



CITY OF CAREY, IDAHO
ZONING ORDINANCE

ORDINANCE NO. 2019- 01

2019 Edition
(10-26-22 Updated)

CAREY ORDINANCE NO. 2019-

AN ORDINANCE OF CAREY, IDAHO, ESTABLISHING ZONING REGULATIONS; PROVIDING TITLE, PURPOSE AND INTERPRETATION; PROVIDING FOR DEFINITIONS; PROVIDING GENERAL PROVISIONS; ESTABLISHING ZONING DISTRICTS AND BOUNDARIES; PROVIDING REGULATIONS FOR AGRICULTURAL/RESIDENTIAL LOW DENSITY ZONING DISTRICT-1 ACRE (A/RL-1); PROVIDING REGULATIONS FOR RESIDENTIAL HIGH DENSITY DISTRICT (RH); PROVIDING REGULATIONS FOR COMMERCIAL DISTRICT (C);; PROVIDING REGULATIONS FOR LIGHT INDUSTRIAL DISTRICT (LI); PROVIDING REGULATIONS FOR FLOOD MANAGEMENT OVERLAY DISTRICT (FP); PROVIDING REGULATIONS FOR AIRPORT VICINITY (AV); PROVIDING CONDITIONAL USE PERMIT REGULATIONS; PROVIDING PLANNED UNIT DEVELOPMENT PERMIT REGULATIONS; PROVIDING VARIANCE PERMIT REGULATIONS; PROVIDING MOBILE HOME PARK AND RECREATIONAL VEHICLE PARK PERMIT REGULATIONS; PROVIDING FOR NON-CONFORMING USES AND BUILDINGS AND REGULATIONS THEREOF; PROVIDING PARKING REGULATIONS; PROVIDING SIGN, LIGHTING AND FENCE REGULATIONS; ESTABLISHING A PLANNING AND ZONING COMMISSION AND PROVIDING FOR ORGANIZATION THEREOF, PUBLIC HEARING NOTICES AND PROCEDURES, AND APPEALS; PROVIDING PROCEDURES FOR AMENDMENT OF THIS ORDINANCE; PROVIDING FOR A SCHEDULE OF FEES; ADOPTING OFFICIAL ZONING MAPS; PROVIDING SUPPLEMENTAL BULK REGULATIONS; PROVIDING PENALTIES AND ENFORCEMENT; PROVIDING SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CAREY, IDAHO, AS FOLLOWS:

**CITY OF CAREY, IDAHO
ZONING ORDINANCE**

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CHAPTER 1

TITLE, PURPOSE AND INTERPRETATION

1.1 TITLE. This ordinance shall be known and may be cited as the Carey Zoning Ordinance.

1.2 AUTHORITY AND PURPOSE. This zoning ordinance is adopted pursuant to authority granted by Idaho Code Sections 67-6501, et seq., and Article 12, Section 2 of the Idaho Constitution. It is enacted for the purposes of promoting the public health, safety, comfort, and general welfare of the city of Carey and its inhabitants; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent undue traffic congestion; to preserve the scenic and aesthetic values of Carey; to insure the economical provision of adequate public improvements and facilities; to protect and enhance important historical and environmental features; to avoid undue concentrations of population and the overcrowding of land; to ensure that development of land is commensurate with the physical characteristics of the land; to protect life and property in areas subject to natural hazards; to avoid undue water and air pollution; and, to implement the goals and policies set forth in the Carey Comprehensive Plan.

1.3 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever the requirements of any other lawfully adopted rule, regulation, ordinance, or resolution may apply, the most restrictive or imposing the higher standards shall govern. In addition, it may be determined appropriate by the Commission or the City Council to apply reasonable requirements greater than the minimum standards due to special physical characteristics of the land, or characteristics or complexity of the development.

1.4 PRESERVATION OF PRIVATE PROPERTY RIGHTS. This ordinance shall be interpreted to equally protect each citizen from the undue encroachment upon or interference with their private property by the use of their neighbors' private property. Consistent with this ordinance, each citizen shall have the maximum use of his property without placing undue burden upon his neighbor. Every resident of Carey shall at all times have the right to appear in person or by his agent before the Council to freely petition for the relief of an alleged burden created by this ordinance, and to appeal any decision of the Commission pursuant to the procedure stated herein.

1.5 PROHIBITED USES. All uses not permitted under the terms of this ordinance are prohibited.

CHAPTER 2

DEFINITIONS

2.0 DEFINITIONS: As used in this ordinance, each of the following words shall have the meaning set forth below.

2.1 ACCESSORY USE -Accessory uses are uses of land that are found on the same parcel as the principle use but are subordinate and incidental to the use of the principle use and is a use that is commonly habitually and by long practice, established or associated in the city with such principle use. There shall be no accessory uses in the C, and LI Zoning Districts without an existing permitted, primary use on the property in question.

- 2.2 AGRICULTURAL BUILDING:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.
- 2.3 AFFECTED PERSON** - One having an interest in real property which may be affected by the issuance or denial of a permit authorizing development.
- 2.4 AGRICULTURAL USES** - Refers to the growing of timber or crops, including grazing, horticulture, and nurseries, fruit trees, berry bushes, and the necessary accessory uses for processing, packing, treating, or storing the produce. The operation of any such accessory use shall be secondary to that of normal crop, and shall not include feedlots, slaughterhouses, rendering plants, or sawmills.
- 2.5 ALTERATION** - Alteration shall mean any change in size, shape, character, occupancy, or use of a building or structure.
- 2.6 ANIMAL HOSPITAL** - A place used for the care, grooming, diagnosis, and treatment of sick or injured animals, and for the care of those who are in need of medical or surgical attention, including animal hospice.
- 2.7 ASPHALT BATCH PLANT** - A facility which manufactures asphalt.
- 2.8 AUTO WRECKING YARD** - Any use of premises whereon currently non-licensed motor vehicles not in operating condition are standing more than sixty (60) days, or on which such use motor vehicles or parts thereof are dismantled or stored.
- 2.9 BANK, RIVER** - The ordinary high-water level of the stream, river, lake or impoundment, which in the absence of evidence to the contrary shall be presumed to be the edge of the vegetation growing along the shore. Also, known as the “mean high water line”.
- 2.10 BASEMENT** - Any floor level below the first story in a building, provided such floor level is more than four (4) feet below grade for more than 50% of the perimeter.
- 2.11 BED AND BREAKFAST INN** - Establishment which has no more than eight (8) sleeping rooms available for rent for short term occupancy to the traveling public serving breakfast as part of the rent in a common dining area, and has access to all sleeping rooms through a main entrance.
- 2.12 BOARD:** The Carey City Council
- 2.13 BOARDING HOUSE** - A building in which the proprietor resides and which has not more than six (6) rooms available for rent or lease for residential occupancy and in which no cooking or dining facilities are provided in the individual rooms. Also referred to as a Rooming House.
- 2.14 BREW PUB** - An establishment that manufactures beer on-site ancillary and secondary to operating a restaurant located on the same premises.
- 2.15 BUILDING** - Any structure used or designed to be used for supporting or sheltering any use or occupancy.
- 2.16 BUILDING, EXISTING** - A building erected prior to the effective date of this ordinance, or one for which a valid building permit has been issued prior to the effective date of this ordinance.
- 2.17 BUILDING, OFFICIAL** – The City of Carey building official
- 2.18 BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of this lot on which the building is located.
- 2.19 BUILDING, SETBACK LINE** – An imaginary line that requires all buildings to be set back at a certain distance from property boundary lines or lot lines, measured from the drip line of the building, not the wall or foundation to the boundary line or lot line.
- 2.20 CAMPGROUND** - A facility available for campers or recreational vehicles on a nightly basis for short term occupancy.
- 2.21 CEMETERY** - Land used or intended to be used for the burial of the human dead, including crematoria, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

- 2.22 CHILD CARE FACILITY** - The care and supervision for compensation on a regular basis at least two days per week of seven (7) or more children not related by blood or marriage to the person or persons providing the care, in a place other than a child's own home or that of a relative of the child. This term includes pre-schools, nursery schools, play schools, kinder-care, and any similar operation.
- 2.23 CITY** – City of Carey, Idaho
- 2.24 CLASS A ROOF** – The minimum roof covering in City of Carey shall be a Class A rated roof assembly as per current Carey Building Code.
- 2.25 COMMERCIAL USE** - The purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or use of offices by professionals and people rendering services.
- 2.26 COMMISSION** - The City of Carey Planning and Zoning Commission.
- 2.27 COMPREHENSIVE PLAN** - The Carey Comprehensive Plan and amendments thereto.
- 2.28 CONDITIONAL USE** - A use or occupancy of land permitted only upon the issuance of conditional use permit, and subject to the limitations and restrictions specified in such permit in addition to all other applicable regulations and provisions of this Ordinance.
- 2.29 CONTRACTOR'S STORAGE YARD** - Indoor or outdoor storage of building materials and equipment commonly used in the construction business.
- 2.30 COUNCIL** - City Council of Carey, Idaho.
- 2.31 DIMENSIONAL STANDARDS** - Bulk, height, and setback regulations.
- 2.32 DWELLING UNIT** - A building or part thereof providing complete independent living facilities for one or more persons, including a single kitchen and not less than one bathroom, to be occupied by a family unit exclusively for residential occupancy.
- 2.33 DWELLING, SINGLE-FAMILY** - A detached structure designed for and used as the living quarters for a single-family or housekeeping group. A mobile home shall not be considered a single-family dwelling unless it complies with the definition of manufactured housing set forth in this ordinance, has the wheels and tongue removed, and meets all of the requirements for manufactured housing set forth in this ordinance.
- 2.34 DWELLING, TWO FAMILY** - A building which contains separate two (2) dwelling units each of which has a separate kitchen, and commonly referred to as a duplex. This definition includes the ability to place each of the units of a two-family dwelling within a duplex sub-lot, as defined below.
- 2.35 DUPLEX SUB-LOT** - The lots resulting from platting a lot and the duplex constructed thereon in such a manner that each unit thereof is on a separate sub-lot. Each sub-lot is subordinate to and a part of the original lot. Duplex sub-lots shall have a minimum lot area equal to one-half of the lot on which the duplex is located. The property line between the units shall run along the one-hour fire resistant common wall separating the two units. Said lots shall not be buildable for any other dwelling unit. Platting of sub-lots shall be in accordance with the Carey Subdivision Ordinance and other applicable laws, then in effect. No duplex sub-lots shall be created unless and until a duplex is constructed thereon and the entire building has received final inspection approval and a certificate of occupancy under the International Building Code as amended by City of Carey, then in effect.
- 2.36 DWELLING, MULTI-FAMILY** - A structure containing more than two (2) dwelling units.
- 2.37 EASEMENT** - An easement is a non-possessory interest in real property which gives the holder of such interest the right to use some part, or all, of the real property of another.
- 2.38 FEEDLOT** - An open area where domesticated livestock are grouped together for intensive feeding purposes prior to their sale for slaughter, which is operated as commercial enterprise and not the occasional raising or grazing of animals.

- 2.39 FLOOD OF ONE HUNDRED YEAR FREQUENCY** - A flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year, as determined by probability analysis of historical hydrological data.
- 2.40 ONE HUNDRED YEAR FLOODPLAIN** - The low land near the channel of a river, stream, or other body of water which has been or may be covered by the water of the flood of one hundred (100) years frequency, as established by the engineering practices of the Federal Emergency Management Agency.
- 2.41 FLOODWAY** - The channel, watercourse, or portion of the flood plain adjoining the channel which is reasonably required to carry and discharge the bulk of the floodwater of any river or stream as determined by the Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway maps, as from time to time amended.
- 2.42 GRAVEL OR SHALE PIT** - Any point where stone, sand, gravel, or other mineral resources are removed, extracted, crushed, or stockpiled. Extraction includes removal and processing of any mineral including, without limitation, mining, quarrying, separating, or cleaning mineral resources
- 2.43 GROSS FLOOR AREA** - The sum of the horizontal areas of all floors in a building excluding mechanical areas.
- 2.44 HEAVY INDUSTRIAL USE** - Any manufacturing, processing, treating or testing of goods and/or raw materials which produces noise, smoke, odor, chemicals, gases, vibration and or dust detectable and adversely affecting neighboring or nearby property, including, without limitation, electrical power generating plants, gravel pits, rock crushing operations, sawmills, slaughter houses, rendering plants, asphalt plants, concrete batch plants, automobile wrecking yards, junk yards, and commercial incinerators.
- 2.45 HEIGHT OF BUILDING** - The vertical distance measured at all points from the highest point of the roof directly to natural grade prior to any site excavation, grading or filing or to the grade existing as of the effective date of this ordinance, whichever is lowest; except in the Commercial and Light Industrial Zoning District, the “height of building” shall be the vertical distance above the average grade of the public right of way abutting the front lot line to the highest point of the roof. The “average grade” shall be determined from at least three representative points measured at the crown of the street adjacent to the property lot lines and at all street corners on the property line and or at the midpoint of the property. This provision shall not apply to flag poles, lightning rods, weather vanes, antennas or chimneys.
- 2.46 HOSPITAL** - An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, but distinguished from a nursing home by offering primarily short-term rather than long-term care.
- 2.47 HOTEL** - A building which is used for short term occupancy. offering sleeping accommodations to the public on a nightly basis and access to all sleeping rooms through a main entrance, and which may provide food, entertainment or various personal services in the building.
- 2.48 HOUSEKEEPING GROUP** - A group of unrelated persons living together as a family unit and included within the definition of the word “family”.
- 2.49 IMPROVEMENT** - Any building, structure, grading, filing or other physical change made to a parcel of real property or any portion thereof or to any building or structure thereon.
- 2.50 INDOOR RECREATION FACILITIES** - Uses shall include bowling alleys, ice skating rinks, riding areas and other recreational uses primarily conducted within a building.
- 2.51 JUNK YARD** - An outdoor space where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, dismantled, stored, or hauled.
- 2.52 KENNEL** - Any lot or premises on which four (4) or more domesticated animals are housed, groomed, bred, boarded, trained in return for compensation, or sold, and which may offer incidental medical treatment.

- 2.53 KITCHEN** - A room or area for storage, preparation, and cooking of food.
- 2.54 LOADING SPACE, OFFSTREET** - Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required parking spaces are filled.
- 2.55 LIGHT INDUSTRIAL USES** - Warehousing, manufacturing, and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the site itself. Wholesaling will be allowed as a light industrial use only if the items are manufactured on site and are not for sale as retail merchandise to the general public.
- 2.56 LOT** - A parcel, plot, tract, or other contiguous land area fixed boundaries of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street, and may consist of: a single lot of record or a combination of lots of record.
- 2.57 LOT OF RECORD** - A lot of record is a lot which is part of a subdivision recorded in the office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date of this ordinance, or a lot recorded as part of the original townsite plat of the City of Carey, Idaho.
- 2.58 LOT AREA** - The area of any lot exclusive of street and road easements.
- 2.59 LOT COVERAGE** - The percent of the total lot occupied by the principal building.
- 2.60 LOT LINE, FRONT** - The property line dividing a lot from a street. On a corner lot, the narrowest side shall be considered the front lot line for setback purposes only.
- 2.61 LOT LINE, REAR** - The lot line opposite the front lot line.
- 2.62 LOT LINE, SIDE** - Any lot line other than the front or rear lot lines.
- 2.63 LOT WIDTH** - The distance parallel to the front lot line, measured between side lot lines where the lot is narrowest.
- 2.64 MANUFACTURED HOME** - A structure built since June 15, 1976, that bears the seal of HUD indicating it has met the mobile home construction and safety standards of the United States department of housing and urban development (HUD standards) and is used as a permanent dwelling. Manufactured homes shall comply with the following development standards.
- 2.65 MECHANICAL AREAS** - Those spaces within a building devoted exclusively to furnaces/heating systems, cooling systems, elevators, walk-in freezers and similar systems which is not habitable space.
- 2.66 MEDICAL DENTAL CLINIC** - A building with offices of doctors, dentists or other medical or dental professionals where patients are routinely seen and routine dental or minor medical procedures performed.
- 2.67 MOBILE HOME** - A single-family dwelling which may be transported on flatbed or other trailers, which arrives on a site complete and ready for occupancy except for minor assembly operations, location on jacks or foundation, and connection to utilities, and which may be disassembled and moved to another location. A mobile home shall meet and be included within the definition and regulation of Manufactured Housing set forth in this ordinance. A recreational vehicle, or camper or trailer is not considered a mobile home.
- 2.68 MOBILE HOME PARK** - A parcel of land under single ownership designed, improved and operated to provide long term rental and lease spaces for mobile homes for single family dwelling purposes.
- 2.69 MOTEL** - A building or group of buildings which are used for short term occupancy offering sleeping accommodations to the public on a nightly basis, with an on-site office, each room with

its own exterior entrance, and which may provide food and entertainment totally within the primary building of the motel.

2.70 NON-CONFORMING BUILDING - Any building lawfully existing at the effective date of this ordinance, or amended thereto, which does not conform to standards of this ordinance for the district in which such building is located.

2.71 NON-CONFORMING USE - Any use lawfully existing at the effective date of this ordinance or any amendment thereto which does not conform to the use regulations of this ordinance or any amendment thereto.

2.72 NURSERY, COMMERCIAL - A combination of land, buildings, and structures for the sale of live trees, plants, shrubs, or gardening products, or landscaping services.

2.73 NURSERY, OUTDOOR - A farm or plantation growing trees, shrubs, and plants intended for transplanting elsewhere, whose commercial use is limited to the sale of those above-mentioned actually grown on the premises.

2.74 NURSING HOME - A facility for the care and treatment of more than three (3) patients; includes rest homes and retirement homes.

2.75 OFF-STREET LOADING AREA - An open area of land on private property, not a street or public way, used exclusively for standing, loading, and unloading of motor vehicles.

2.76 OFF-STREET PARKING - An open area of private property, not a street or public way, used exclusively for the temporary parking of motor vehicles.

2.77 OPEN SPACE - A land or water area devoid of buildings, streets, parking areas or structures.

2.78 OUTDOOR RECREATIONAL FACILITY - Facilities such as golf courses, marinas, shooting ranges, rod and gun clubs, and dude ranches whose use is primarily outdoor rather than indoor recreation, for which buildings are incidental and accessory.

2.79 OWNER - The individual, firm, association, syndicate, partnership, corporation, or other entity having proprietary or possessory interest in the land, including an interest by ownership, option to purchase or a tenant.

2.80 PERMITTED USE - A permitted use is an authorized use in a particular zone district which does not require a permit, but which is subject to the restrictions particular to that district.

2.81 PARKING SPACE - Space used for the temporary, transient storage of private passenger vehicles used for personal transportation. Parking shall not include storage for any other purpose other than specified above.

2.82 PERSON - includes any person, firm, association, organization, partnership, trust, company, or corporation, or any other entity capable of owning or holding any interest in property, real or personal.

2.83 PERSONAL SERVICE - An enterprise conducted for gain which primarily offers services to the general public, such as, but not limited to, shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

2.84 PLANNED UNIT DEVELOPMENT - A project controlled by one (1) owner, person, partnership, or corporation, and characterized by a unified site design, involving varying the normal zoning requirements and restrictions so that the maximum long-range benefit can be gained and the unique features of the site preserved and enhanced.

2.84 PLATTED TOWNSITE - That portion of the City contained within the original townsit plat of the City of Carey, Idaho, and the lots as platted thereon.

2.85 PUBLIC FACILITIES - A building for the use and benefit of the community, limited to a school, hospital, police station, fire station, ambulance building, fairgrounds, parks, or museum.

2.86 PUBLIC HEARING, DULY NOTICED - A notice of a hearing before the Planning and Zoning Commission or City Council as required in this Ordinance for the application under consideration.

- 2.87 PUBLIC UTILITY AND PUBLIC SERVICE FACILITIES** - Structures essential to furnishing the public with electricity, gas, water, sewer, telephone and similar public utilities, including power plants or substations, water treatment plants, sewer plants, pumping stations, fire stations or police stations.
- 2.88 RECREATIONAL VEHICLE** -. A recreational vehicle “RV” is in North America the usual term for a motor vehicle or trailer equipped w/ living space and amenities found in a home. Any unit, operated under its own power or drawn by or mounted on another vehicle which is designed for or used as a temporary living quarter. This definition includes, without limitation, a travel trailer, camping trailer, truck camper, fifth wheel camper, motor home, and recreational vehicle
- 2.89 RECREATIONAL VEHICLE PARK** - A parcel of land under single ownership providing short term occupancy for recreational vehicles to the traveling public on a nightly basis.
- 2.90 RETAIL** - The sale of commodities or good in small quantities to the ultimate consumer.
- 2.91 RESEARCH AND DEVELOPMENT** - Specialized non-polluting activities with emphasis on investigation, experimentation, testing, engineering, inventing, and conceptually designing prototypes and new technologies or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communication systems and equipment, and other technological instruments, equipment, and systems.
- 2.92 RIGHT OF WAY** - A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks, and other public utilities or service areas.
- 2.93 SELF STORAGE FACILITIES** - A business that rents or leases separate spaces to persons for storage purposes only.
- 2.94 SIGN** - Any structure, object or device. or part thereof, used to advertise, identify, display, direct or attract attention to any entity by any means including, without limitation, any word, letter, design, symbol, model, image, flag, insignia, device or representation. For other definitions relating to signs see Sign section within this ordinance.
- 2.95 SHORT TERM OCCUPANCY** - The rental, lease, use, possession or occupancy of a room, unit or structure or portion thereof for a period not more than thirty (30) consecutive days. Occupancy in excess of thirty (30) days is referred to as “long term occupancy”.
- 2.96 SLAUGHTERHOUSE** - A building used for the killing, butchering, or processing of animals for human consumption.
- 2.97 STREET** - A right of way which provides vehicular access to adjacent properties. Street shall include the terms highway, thoroughfare, parkway, road, avenue, boulevard, and place.
- 2.98 STRUCTURE** - Anything constructed or erected which requires permanent or indefinite location on or attachment to the ground.
- 2.99 TEMPORARY BUILDING** – A building permitted to be used not more than 12 (twelve) months.
- 2.991 TRAILER** – Non motorized vehicle towed by another motorized vehicle.
- 2.992 USE** - The specific purposes for which land or a building is being used.
- 2.993 UTILITIES** - All utilities including, without limitation, water, sewer, gas, electricity, telephone and cable television.
- 2.994 WHOLESALE** - The sale of goods in quantity for resale.
- 2.995 YARD** - An open space on the same lot with a principal building, which is unoccupied and unobstructed by structures.

CHAPTER 3

GENERAL PROVISIONS

3.1 MANUFACTURED HOUSING REGULATIONS. All manufactured housing placed within the City shall comply with the following standards and regulations:

- 3.11** Shall be at least twenty-four feet (24') wide, with a minimum floor area of nine hundred sixty (960) square feet.
- 3.12** Shall have a metal or asphalt shingle roof with a minimum slope of three to twelve (3/12) and a minimum six-inch (6") eave.
- 3.13** Shall be permanently affixed and set upon a foundation base having an anchoring system that is totally concealed under the structure. The running gear and towing hitch shall be removed.
- 3.14** Shall obtain a modular set down permit from the city building department to ensure that the manufactured home is placed on site to HUD standards set forth in circular letter 2-83, dated April 8, 1983, published by the Boise service office of HUD regulating the perimeter foundation, the anchoring of the structure to its foundation and other building requirements. Shall be constructed according to ADAPA 07 Title 3 Ch.12.

3.3 BUILDING PERMIT REQUIRED. It shall be unlawful to commence construction on any building without having first obtained a valid building permit as required by the Uniform Building Code adopted by the City. A state of Idaho permit for a water well and sewage disposal facilities or a certificate of hookup to the Carey Water and Sewer District must be provided prior to the issuance of a building permit.

3.4 TEMPORARY BUILDINGS. One temporary building or trailer may be located on a parcel of real property upon issuance of a building permit and occupancy permit for the temporary location thereof only if such building or trailer is (a) incidental to actual building construction work; (b) used solely as a construction office or temporary residence for the owners of said real property of the premises; (c) placed on the real property after issuance of a building permit for construction of a permanent principal building thereon; and, (d) such building or trailer shall be removed upon completion of construction work or one year whichever is less.

CHAPTER 4

ZONING DISTRICTS

4.1 PURPOSE The following zoning districts are hereby established. These designations have been made to realize the general purposes stated in the Carey Comprehensive Plan. The specific purposes of each zoning district are stated in the chapters which follow.

4.2 ZONING DISTRICTS. The following zoning districts are created:

- 4.21** (A/LR-1) Agricultural/Residential Low-Density District -1 Acre
- 4.22** (RH) Residential High District
- 4.23** (C) Commercial District
- 4.24** (LI) Light Industrial District
- 4.25** (FP) Flood Management And Damage Prevention District
- 4.26** (AV) Airport Vicinity District

4.3 ZONE BOUNDARIES.

- 4.31 Unless otherwise defined on the zoning maps, district boundaries shall be lot lines, the center lines of streets and alleys, highway right of way lines, quarter-section, half section or section lines, contour lines, center lines of stream beds, or noticeable points of change in natural landforms.
- 4.32 Where district boundaries appear approximately parallel to the center lines of streets, or parallel to the center lines or right of way of highways, such lines shall in fact constitute the boundaries on the official zoning map. If no distance is indicated, the boundary shall be determined by the use of the scale shown on the official zoning map.
- 4.33 Where district boundaries appear to follow lot lines shall constitute boundaries.

4.4 INTERPRETATION OF BOUNDARIES. The City Council shall have the authority to interpret boundaries in accordance with this ordinance.

4.5 CLASSIFICATION OF VACATED STREETS OR ALLEYS. Whenever a street is vacated, and that street has not been given a zone classification, the land of the vacated street shall have the same zone classification as the land adjacent or abutting land owned or on the same side of the center line of former street to whom such land reverts or in whom said land becomes vested by operation of law.

CHAPTER 5

AGRICULTURAL/RESIDENTIAL LOW DENSITY - 1 ACRE ZONING DISTRICT **(A/RL-1)**

5.1 PURPOSE. The purpose of this district is to provide appropriate areas for agricultural uses with compatible low-density residential development.

5.2 PERMITTED USES. Permitted uses in this district are limited to the following:

- 5.21 One single-family dwelling;
- 5.22 Agricultural uses;
- 5.23 Parks, play-grounds, and golf courses;

5.3 ACCESSORY USES. The accessory uses for this district shall be limited to:

- 5.31 Storage of boats, campers, snow machines, travel trailers, stock trailers and similar items for personal use by residents;
- 5.32 Agricultural building
- 5.33 Farm and garden buildings;
- 5.34 Garages and storage outbuildings;

5.4 CONDITIONAL USES. Conditional uses in this district are limited to:

- 5.41 Churches;
- 5.42 Public facilities, and public utility and public service facilities for the protection and welfare of the surrounding area, provided business offices and repair and storage facilities are not included;
- 5.43 Child care facilities;
- 5.44 Commercial nurseries and outdoor nurseries.

5.5 DIMENSIONAL STANDARDS. (See building setback line definition)

- 5.51 Minimum Area of Lot. one (1) acre
- 5.52 Minimum Width of Lot. one hundred (100) feet
- 5.53 Minimum Front Yard Setback. twenty-five (25) feet
- 5.54 Minimum Side and Rear Yard Setbacks shall be 6 (six) feet minimum
- 5.55 Corner Lot Additional Setback. There shall be no obstruction to the view of motorists placed closer than fifteen (15) feet from property line at the corner or intersection of any street or highway. Any fences, shrubs, etc. that is placed within said setback line shall not exceed a height of 3 feet and shall not be placed so as to interfere with vision of motorists at intersections.
- 6.56 Parking requirements: Set forth in City of Carey Zoning Ordinance

5.6 OTHER RESTRICTIONS.

- 5.61 All residences shall be placed on a lot so that there shall be adequate off-street parking for no fewer than two (2) cars.
- 5.62 Maximum Height of Buildings: thirty-five (35) feet.

CHAPTER 6

RESIDENTIAL HIGH-DENSITY ZONING DISTRICT **(RH)**

6.1 PURPOSE. The purpose of this district is to provide appropriate areas for higher density residential uses.

6.2 PERMITTED USES. Permitted uses in this district are limited to the following:

- 6.21 One single-family dwelling;
- 6.22 One two-family dwelling;
- 6.23 Churches;
- 6.24 Parks and playgrounds;
- 6.25 Hospitals;
- 6.26 Nursing homes;
- 6.27 Medical clinics;
- 6.28 Agricultural uses on not less than ten (10) contiguous acres;
- 6.29 Public Library

6.3 ACCESSORY USES. The accessory uses for this district shall be limited to:

- 6.31 Storage of boats, campers, snow machines, travel trailers, stock trailers and similar items for personal use by residents;
- 6.32 Garden buildings;
- 6.33 Garages and storage outbuildings;

6.4 CONDITIONAL USES. Conditional uses in this district are limited to:

- 6.41 Child care facilities;

- 6.42** Public facilities, and public utility and public service facilities for the protection and welfare of the surrounding area, provided business offices and repair and storage facilities are not included;
- 6.43** Mobile home parks.
- 6.44** Schools

6.5 DIMENSIONAL STANDARDS. (See building setback line definition)

- 6.51** Minimum Area of Lot. ten thousand (10,000) square feet.
- 6.52** Minimum Width of Lot. seventy-five (75) feet.
- 6.53** Minimum Front Yard Setback. twenty-five (25) feet.
- 6.54** Minimum Side and Rear Yard Setbacks shall be 6 (six) feet minimum.
- 6.55** Corner Lot Additional Setback. There shall be no obstruction to the view of motorists placed closer than fifteen (15) feet from property line at the corner or intersection of any street or highway. Any fences, shrubs, etc. that is placed within said setback line shall not exceed a height of 3 feet and shall not be placed so as to interfere with vision of motorists at intersections.
- 6.56** Parking requirements: Set forth in City of Carey Zoning Ordinance

6.6 OTHER RESTRICTIONS.

- 6.61** All residences shall be placed on a lot so that there shall be adequate parking for no fewer than two (2) cars per unit exclusively on the private property. For other parking requirements see Off street parking section, of this ordinance.
- 6.62** Maximum Height of Buildings: thirty-five (35) feet.

CHAPTER 7

COMMERCIAL ZONING DISTRICT

(C)

7.1 PURPOSE. It is the purpose of this district to designate space for concentrated downtown retail business activities.

7.2 PERMITTED USES. Permitted uses for this district are limited to the following:

- 7.21** Business, professional, public or social services offices;
- 7.22** Restaurants, bars, brew pubs, theaters, banks;
- 7.23** Motels, hotels, and tourist homes;
- 7.24** Gas stations, car washes, motor vehicle repairs, auto body repairs, vehicle detailing shops, foundries
- 7.25** Retail stores, commercial nurseries and building supply outlets
- 7.26** Public utility business offices;
- 7.27** Repair and personal services;
- 7.28** Child Care Facilities;
- 7.29** One single family dwelling;
- 7.21.0** One two family dwelling;

- 7.21.1 Hospitals, nursing homes, and medical and dental clinics;
- 7.21.2 Catering services and bakeries
- 7.21.3 Churches.
- 7.21.4 Commercial Indoor recreational facilities
- 7.21.5 Mixed Residential and Commercial (Max of one residential unit per building meeting commercial fire code)
- 7.21.6 Public facilities, public utility and public service facilities
- 7.21.7 Self storage units;
- 7.21.8 Recreational vehicle parks.
- 7.21.9 Animal Hospitals
- 7.22.0 Assembly, light manufacturing processing, packaging, treatment, and fabrication of goods and merchandise
- 7.22.1 Sales, rental, manufacturing, and servicing of trailers, mobile homes, farm implements and heavy equipment;

7.3 ACCESSORY USES. The accessory uses for this district shall be limited to:

- 7.31 RESIDENTIAL UNITS ONLY: Storage of boats, campers, snow machines, travel trailers, stock trailers and similar items for personal use by residents;
- 7.32 Garden buildings;
- 7.33 Parking, garages and storage outbuildings;
- 7.34 All loading and unloading of material and supplies shall take place on site.
- 7.35 Screened exterior storage of materials;

7.4 DIMENSIONAL STANDARDS. (See building setback line definition)

- 7.41 Maximum Building or Structure Height: thirty-five (35) feet.
- 7.42 Minimum Lot Width: fifty-five (55) feet.
- 7.43 Minimum Lot Area: six thousand (6,000) square feet.
- 7.44 Front Yard Setback 25 (twenty-five) feet minimum
- 7.45 Side and Rear Yard Setbacks 6 (six) feet minimum.
- 7.46 Corner Lot Additional Setback. There shall be no obstruction to the view of motorists placed closer than fifteen (15) feet from property line at the corner or intersection of any street or highway. Any fences, shrubs, etc. that is placed within said setback line shall not exceed a height of 3 feet and shall not be placed so as to interfere with vision of motorists at intersections.
- 7.47 Parking requirements: Set forth in City of Carey Zoning Ordinance

7.5 ADDITIONAL REQUIREMENTS:

- 7.51 Proof of property boundaries- record of survey, survey, deed, city plat or legal description of the property; Reviewed by City Engineer
- 7.52 Location of proposed building(s), parking areas and parking spaces; access; setbacks; height of building(s); including dimensions drawn at a scale of no less than one (1) inch equals twenty (20) feet;]
- 7.53 List of surrounding property owners and their mailing addresses (properties adjacent to property and across the street);
- 7.54 Two (2) sets of drawings and a digital file shall be submitted to the City
- 7.55 No Permitted Use or Conditional Use shall have exterior storage of materials that pose a safety hazard to the general public and /or adjacent property owners

CHAPTER 8

LIGHT INDUSTRIAL ZONING DISTRICT **(LI)**

8.1 PURPOSE. The Light Industrial District is established to provide lands for light industrial uses which can be designed to operate compatibly in close proximity to adjoining residential uses. This district is not intended for residential purposes. The purpose of the LI District is to provide areas for light industrial operations and limited accessory uses.

8.2 PERMITTED USES. Permitted uses for this district are limited to the following:

- 8.21** Everything that is permitted in the Commercial Zone shall be a permitted use in the Industrial Zone
- 8.22** Storage yards;
- 8.23** Machine shops;
- 8.24** Installation and maintenance firms/facilities;
- 8.25** Processing and sales of firewood;
- 8.26** Telecommunication, broadcasting and recording studios, high technology industries;
- 8.27** Warehouse and storage facilities;
- 8.28** Wholesale Distributors
- 8.29** Public facilities, and public service facilities
- 8.22.1** One residential dwelling unit within light industrial building (must be commercial Fire code.)
- 8.22.2** Laboratories and research offices, bottling and distribution plants, light repair facilities, and wholesale storage-distribution warehouses;
- 8.22.3** Bulk storage of flammable liquids or gases, subject to the approval of the Fire Chief of the Carey Rural Fire District and/or Idaho State Fire Marshall;
- 8.22.4** Photographic processing laboratories; printing and publishing establishments;
- 8.22.5** One residential dwelling unit within a light industrial building;
- 8.22.6** Industrial laundry/dry cleaning service and distribution establishments.

8.3 DIMENSIONAL STANDARDS. (See building setback line definition)

- 8.31** Maximum Building or Structure Height: thirty-five (35) feet.
- 8.32** Minimum Lot Width: sixty-five (65) feet.
- 8.33** Minimum Lot Area: six thousand (6,000) square feet.
- 8.34** Minimum Front Yard Setback: 25 (twenty-five) feet minimum
- 8.35** Minimum Side and Rear Yard Setbacks: 6 (six) feet minimum
- 8.36** Corner Lot Additional Setback: There shall be no obstruction to the view of motorists placed closer than fifteen (15) feet from property line at the corner or intersection of any street or highway. Any fences, shrubs, etc. that is placed within said setback line shall not exceed a height of 3 feet and shall not be placed so as to interfere with vision of motorists at intersections.
- 8.37** Parking requirements: Set forth in Set forth in City of Carey Zoning Ordinance

8.4 ADDITIONAL REQUIREMENTS:

- 8.41** Proof of property boundaries- record of survey, survey, deed, city plat or legal description of the property;
- 8.42** Location of proposed building(s), parking areas and parking spaces;

- access; setbacks; height of building(s); including dimensions drawn at a scale of not less than one (1) inch equals twenty (20) feet.
- 8.43** List of surrounding property owners and their mailing addresses (properties adjacent to property and across the street);
- 8.44** Two (2) sets of drawings and digital file shall be submitted to the City.
- 8.45** No Permitted Use or Conditional Use shall have exterior storage of materials that pose a safety hazard to the general public and /or adjacent property owners.

CHAPTER 9

AIRPORT VICINITY ZONING DISTRICT **(AV)**

- 9.1 PURPOSE.** It is the purpose of this district to designate space for uses compatible with airport operations and approach areas.
- 9.2 PERMITTED USES.** Permitted uses for this district are limited to the following:
- 9.21** Aviation related businesses; field base operators (FBOs); airport hangers
 - 9.22** Public facilities to include restrooms and pilot lounge
 - 9.23** Agricultural uses; agriculture storage and outbuildings
- 9.4 DIMENSIONAL STANDARDS.** Dimensional standards for this district are the following:
- 9.41** Maximum Building or Structure height: thirty-five (35) feet in non-approach areas. In approach areas consider a twenty (20) to one (1) glide ration from the threshold of runway to be maintained.
 - 9.42** Minimum Lot Width: fifty-five (55) feet.
 - 9.43** Minimum Lot Area: six thousand (6,000) square feet.
 - 9.44** Minimum Front Yard setback: ten (10) feet
 - 9.45** Minimum Side and Rear Yard Setbacks: six (6) feet
 - 9.46** Corner Lot Additional Setback: there shall be no obstruction to the view of motorists placed closer than fifteen (15) feet from property line at the corner or intersection of any street or highway. Any fences, shrubs, etc. that is placed within said setback line shall not exceed a height of 3 feet and shall not be placed so as to interfere with vision of motorists at intersections.
 - 9.47** Parking requirements: Seth forth in the City of Carey Zoning Ordinance

CHAPTER 10

DRINKING WATER PROTECTION **OVERLAY ZONING DISTRICT**

SECTION 10.1 SHORT TITLE AND PURPOSE.

- 10.11** This ordinance shall be known as the "The City of Carey Drinking Water Protection Ordinance".
- 10.12** It is the purpose of this ordinance to promote the public health, safety, and general

welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize ground water protection/pollution abatement and control procedures. Specific goals are to:

- (a) Protect human life and health;
- (b) Ensure that the public is provided with a sustainable safe potable water supply;
- (c) Minimize expenditure of public money for pollution remediation projects;
- (d) Minimize business interruptions;

SECTION 10.2 DEFINITIONS. When used in this ordinance, the following words and phrases shall have the meanings given in this section:

- (A) **Agricultural Runoff Waste Water.** Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.
- (B) **Aquifer Remediation Related Wells.** These wells shall include those used to prevent, control, or remediate aquifer pollution, including but not limited to Superfund sites.
- (C) **Community Public Water System.** A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:
 - (1) Any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and,
 - (2) Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

(A public water system is either a "community water system" or a "noncommunity water system.")
- (D) **Community Wellhead.** The upper terminal of a well, including adapters, ports, seals, valves and other attachments.
- (E) **Drinking Water Protection Overlay Zones (WHP).** A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Drinking Water Protection Overlay Zones will also appear in the Hazardous Area Component of the Comprehensive Plan. A map will define specific zones centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:
 - (1) Calculated Fixed Radius;
 - (2) Arbitrary Fixed Radius;
 - (3) Simplified Variable Shapes;
 - (4) Semi-analytical, and Analytical Methods;
 - (5) Hydrogeologic Mapping;
 - (6) Numerical Modeling;
 - (7) and follow the guidelines established in the Idaho Drinking Water Protection Plan.

- (F) **Drinking Water Protection Overlay Zone 1A.** A minimum fixed radius extending no less than fifty (50) feet radially from the wellhead supplying potable water to the public water supplies.
- (G) **Drinking Water Protection Overlay Zone 1B.** A three (3) year time of travel district (TOT) as defined in Section 2.
- (H) **Drinking Water Protection Overlay Zone 2.** A six (6) year time of travel zone (TOT) as defined in Section 2.
- (I) **Drinking Water Protection Overlay Zone 3.** A ten (10) year time of travel zone (TOT) as defined in Section 2.
- (J) **Facility.** Refers to any business or corporation that is built, installed, or established to serve a particular purpose.
- (K) **Hazardous Waste Disposal Facility.** A hazardous waste treatment, storage, or disposal facility that receives hazardous material as described in Part 40 Chapter 260.1 of the Code of Federal Regulations.
- (L) **Hazardous Waste or Material.** Any waste or material that because of its quantity, concentration, physical, chemical or infectious characteristics may:
- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
 - (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,
 - (3) Any material or substance designated as a hazardous or toxic substance defined by Title 40 Part 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Department of Environmental Quality or any successor agency.
- (M) **Injection.** The subsurface emplacement of fluids.
- (N) **Livestock Confinement Operation.** Any parcel of land having greater than five (5) animal units per acre in a confined area or any parcel of land containing twenty (20) acres or more having more than one hundred (100) animal units total. All livestock shall have the following Animal Unit Equivalents:
- (1) Slaughter or Feeder Cow = 1 animal unit
 - (2) Dairy Heifer = 1 animal unit
 - (3) Beef cow-calf pair = 1.2 animal units
 - (4) Mature dairy cow = 1.4 animal units
 - (5) Swine = 0.5 animal units
 - (6) Sheep or lamb = 0.2 animal units
 - (7) Horse = 1 animal unit

- (8) Goat = 0.3 animal units
- (9) All others not listed = 1 animal unit per 750 pounds

- (O) **Non-Community Water System.** A public water system that is not a community water system (does NOT have at least fifteen (15) service connections or does NOT regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
- (P) **Non-Transient Non-Community Water System.** A public water system that is not a community water system and that regular serves twenty-five (25) or more of the same persons over six (6) months per year.
- (Q) **Sanitary Landfill.** A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.
- (R) **Special Drainage Wells.** Those wells used for disposing of water from sources other than direct precipitation. Examples of this well type include: landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.
- (S) **Storm Water Runoff.** Water discharged as a result of rain, snow, or other precipitation.
- (T) **Time of Travel Zones (TOT).** The time required for a particle of water to move in the ground from a specific point to a well.
- (U) **Transient Non-community Water System.** A non-community water system which does not regularly serve twenty-five (25) or more of the same persons over six (6) months per year.
- (V) **Underground Injection Well (open system).** Any excavation or artificial opening into the ground that meets the following three criteria:
 - a. A bored, drilled or dug hole, or a driven mine shaft, or a driven well point;
 - b. It is deeper than its largest straight-line surface dimension; and,
 - c. It is used for or intended to be used for injection.
- (W) **Underground Injection Well (closed system).** Closed-loop systems use an underground network of sealed, high-strength plastic piping, which acts as the earth-coupled heat exchanger. The most commonly used closed-loop piping material is high-density polyethylene (HDPE). The ground loop piping is filled with a working fluid that is continuously re-circulated without ever directly contacting the soil or water in which the loop is buried or immersed. Once filled with fluid and purged of air, nothing enters or leaves the closed loop. This eliminates the potential shortcomings of water quality and availability associated with open-loop systems.

SECTION 10.3 ESTABLISHMENT OF DRINKING WATER PROTECTION OVERLAY ZONES. There is hereby established a Drinking Water protection overlay zone identified and described as all the area within the ten (10) year TOT zone around public water supplies as shown on the official City of

Carey Well TOT Zone Maps. These are located in the Drinking Water Protection Plan. It is further established that these areas be composed of Four (4) zones, Drinking Water Protection Overlay Zone A, Drinking Water Protection Overlay Zone B, Drinking Water Protection Overlay Zone C, and Drinking Water Protection Overlay Zone D as they are defined in this Chapter. The City shall record with the County Recorder's Office an overlay map delineating the Drinking Water Protection Overlay Zones.

SECTION 10.4 PROHIBITED USES WITHIN ZONE 1A OF THE DRINKING WATER

PROTECTION AREA. Uses permitted within Zone 1A shall be limited to necessary public water supply wellhead equipment including the following, wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

SECTION 10.5 PROHIBITED USES WITHIN ZONE 1B OF THE DRINKING WATER

PROTECTION AREA. The following uses or conditions shall be and are hereby prohibited within Zone 1B of the Drinking Water Protection areas:

- (a) Sanitary landfills.
- (b) Livestock Confinement Operations
- (c) Hazardous Waste Disposal Facility.
- (d) Injection well except for the following:
 - (1) Closed systems.
- (e) Existing sewer lines shall not be closer than one hundred (100) feet of a wellhead or of new sanitary system and sewer lines shall not be closer than one hundred fifty (150) feet of a wellhead.
- (f) Existing septic tanks or drain fields shall not be closer than one hundred (100) feet of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred (200) feet away from the wellhead.
- (g) Junk or salvage yards.
- (h) Disposal of waste oil, oil filters, tires and all other petroleum products.
- (i) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on groundwater, and any land use activities posing a hazard or threat to existing ground water quality, except upon issuance of a Conditional Use Permit. The Zoning Administrator may instigate the Conditional Use Permit process during the application review process.

SECTION 10.6 PROHIBITED USES WITHIN ZONE 2 OF THE DRINKING WATER

PROTECTION AREA. The following uses or conditions shall be and are prohibited within ZONE C of the Drinking Water Protection Area:

10.61 Sanitary landfills;

10.62 Hazardous Waste Disposal Facility;

10.63 Injection well except for the following:

A. Deep well injection (below 18 feet in depth):

1. Geothermal Heat;
2. Heat Pump Return;
3. Cooling Water Return.

10.64 Shallow well injection only (less than 18 feet in depth), **except for the following:**

- A. Storm Runoff;
- B. Agricultural Runoff Waste Water;
- C. Special Drainage Water;
- D. Aquifer Recharge;
- E. Aquifer Remediation;
- F. Septic Systems (General).

10.65 All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on groundwater, and any land use activities posing a hazard or threat to existing ground water quality, except upon issuance of a Conditional Use Permit. The Zoning Administrator may instigate the Conditional Use Permit process during the application review process.

SECTION 10.7 PROHIBITED USES WITHIN ZONE 3 OF THE DRINKING WATER

PROTECTION AREA. The following uses or conditions shall be and are prohibited within Zone 3 of the Drinking Water Protection area:

10.71 Sanitary landfills;

10.72 Hazardous Waste Disposal Facility;

10.73 Shallow well injection only (below 18 feet in depth), **except for the following**

A. Deep well injection (below 18 feet in depth):

1. Geothermal Heat;
2. Heat Pump Return;
3. Cooling Water Return.

10.74 Shallow well injection only (less than 18 feet in depth), including:

- A. Storm Runoff;
- B. Agricultural Runoff Waste Water;

- C. Special Drainage Water;
- D. Aquifer Recharge;
- E. Aquifer Remediation;
- F. Septic Systems (General).

10.75 All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on groundwater, and any land use activities posing a hazard or threat to existing ground water quality, except upon issuance of a Conditional Use Permit. The Zoning Administrator may instigate the Conditional Use Permit process during the application review process.

SECTION 10.8 CONDITIONAL USE PERMIT PROCESS. Whenever there is a request that requires a Conditional Use Permit for land lying within a Drinking Water Protection Zone, the Commission shall make recommendations to the Council which shall make the final decision. Both entities shall hold a duly noticed public hearing on the application at its earliest convenience. The procedures as outline in Chapter 12 of this ordinance shall be followed.

The Council may require monitoring wells and appropriate easements if the Council deems it appropriate for protection of the public water supply.

SECTION 10.9 NON-CONFORMING USES. Any legal use existing at the time of the adoption of this ordinance and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance.

SECTION 10.10 AMENDMENTS. Proposed amendments will require advance notice to all entities operating public water supplies that this ordinance effects.

SECTION 10.11 ENFORCEMENT. It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the Drinking Water Protection Overlay Zones contrary to, or in violation of, any of the provisions of this Chapter.

SECTION 10.12 VIOLATIONS. Please refer to penalties and general provisions section. Whenever it appears that any person has engaged in any act, practice or activity constituting a violation of this Ordinance or applicable building codes or other law, the Fire Chief or Building Official may issue a stop work order.

CHAPTER 11

FLOOD MANAGEMENT AND DAMAGE PREVENTION OVERLAY ZONING DISTRICT (FP)

11.1 PURPOSES. The Flood Management and Damage Prevention Overlay Zoning District (herein referred to as the "Flood Management District") is hereby established to provide protection for persons, property and riparian areas within the floodway and floodplain, and to meet the requirements of the National Flood Insurance Program and maintain the city of Carey as an eligible community for federal flood

insurance programs and benefits. The purpose of the Flood Management and Damage Prevention Overlay Zoning District (FP) is to guide development in the designated floodplain in order to promote the public health and general welfare, and help minimize public and private losses, and the following:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money and costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (i) To protect public and public property from damage or financial losses due to flooding or erosion;
- (j) To protect and restore riparian area vegetation, wildlife and habitat; and,
- (k) To augment the requirements of the National Flood Insurance Program and maintain the city of Carey as an eligible community for federal flood insurance program and benefits;

11.2 METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purposes, this ordinance, in part, includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

11.3 DEFINITIONS. For the purpose of this Chapter the following definitions shall apply. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted, so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

11.31 ACCESSORY STRUCTURES means low cost buildings that do not exceed 1,000 square feet, such as detached garages, boathouses, small pole barns and storage sheds (should be classified as minimum investment to be determined by the community), not to be used for human, habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; service utilities such as electrical and heating equipment shall be elevated or flood-proofed. (If the community's ordinance does not contain the above provisions for accessory structures, then a variance will be needed to be issued to exempt accessory structures, the 1st floor elevation or flood-proofing requirement.)

11.32 APPEAL means a request for a review of the interpretation of or decision under any provision of this ordinance.

- 11.33 AREA OF SHALLOW FLOODING** means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- 11.34 AREA OF SPECIAL FLOOD HAZARD** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- 11.35 BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood. Designation on maps always includes the letters A or V.
- 11.36 BASEMENT** means any area of the building having its floor subgrade (below ground level) on all sides.
- 11.37 CRAWLSPACE** is an enclosed area below the base flood elevation and as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exist of floodwaters.
- 11.38 CRITICAL FACILITY** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
- 11.39 DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- 11.39.1 ELEVATED BUILDING** means for insurance purposes, a none basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- 11.39.2 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION"** means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
- 11.39.3 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 11.39.4 FLOOD OR FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

11.39.5 FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

11.39.6 FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

11.39.7 FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

11.39.8 LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 11.7.2.

11.39.9 MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

11.39.91 MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

11.39.92 NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of this ordinance.

11.39.93 NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

11.33.94 RECREATIONAL VEHICLE means a vehicle, which is:

Built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; Designed to be self-propelled or permanently towable by a light duty truck; And Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

11.39.95 REPETITIVE LOSS means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before damage occurred.

11.39.96 START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

11.39.97 STRUCTURE means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

11.39.98 SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

11.39.99 SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either or; before the improvement or repair is started; or

If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

11.39.99.1 WATER DEPENDENT means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

11.4 FLOOD MANAGEMENT DISTRICT BOUNDARIES ESTABLISHED AND BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.

The Flood Management District is hereby established. The regulations of this district apply to all lands within the City of Carey, Idaho, that are within the 100-year floodplain boundaries (IRF) as established by a certified Engineer or determined by the Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway maps, as amended. While, the Floodplain Management District boundaries are represented on the FEMA maps and Blaine County GIS, the precise boundaries shall be determined by on-site elevations as interpreted from the adopted FEMA Flood Boundary and Floodway Map. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled The Flood Insurance Study for the Blaine County,

Idaho, dated the 20th day of April 2000, and any revisions thereto, with accompanying Flood Insurance Maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Carey City Hall, 20482, Main St., Carey, Idaho, 83320. The best available information for flood hazard area identification as outlined in Section 11.12.4 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under section 11.12.4.

11.41 Interpretation of Boundaries. The precise boundaries shall be determined by on-site elevations as interpreted from the adopted FEMA Flood Boundary and Floodway Map. All land within the external boundary of the floodplain shall be governed by the provisions of this district. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the City Council and such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76). The Commission shall make the necessary interpretation of the boundary based upon the FEMA designation or the recommendation of the City Engineer or other expert hired by the City. An applicant contesting the location of the boundary may submit his own technical evidence with regard thereto.

11.42 Appeal. The person contesting the location of the boundary shall have the right to and shall be given a reasonable opportunity to appeal a decision of the Commission to the City Council pursuant to Chapter 19 of this ordinance and such appeal shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

11.5 ESTABLISHMENT OF SUB-DISTRICTS. The Flood Management District is hereby divided into two (2) sub-district: The Floodway Sub-District, and the Floodplain Sub-District. The boundaries of these sub-districts are indicated in the FEMA Flood Insurance Study adopted by the City and the precise boundaries shall be determined by on-site elevations as interpreted from the adopted FEMA Flood Boundary and Floodway Map.

11.51 FLOODWAY SUBDISTRICT USE REGULATIONS. The Floodway Sub-District includes areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following regulations and provisions apply:

11.52 BUILDING PROHIBITED IN FLOODWAY. No building, structure, or improvement shall be permitted in the floodway, except bridges, irrigation structures, public facilities, public utilities and public service facilities may be permitted as a conditional use. The City Council may approve specific work to be done as deemed necessary for the protection of life and property, provided that certification by a registered professional engineer is provided that demonstrates that development or encroachment shall not result in any increase in flood levels during the occurrence of the basic flood discharge and the same complies with all provisions of this Chapter and Chapter 12 of this ordinance and all applicable FEMA rules and regulations.

11.53 FLOODPLAIN SUB-DISTRICT USE REGULATIONS. Because of hazards to individual and public health, safety, and welfare, construction of structures in the floodplain is subject to the addition requirements of this Chapter.

11.54 PERMITTED USES. Structures and uses permitted in the underlying Zoning District in which the real property is located which are designed to withstand flooding, and which will not cause flood damages to on other land or structures.

11.55 CONDITIONAL USES are the following:

- a- Sand and gravel extraction;
- b- Bridges, irrigation structures, public facilities, and public service facilities.

11.6 GENERAL STANDARDS AND PROVISIONS FOR FLOOD HAZARD REDUCTION. In all areas of Flood Management District, the following standards are required:

11.61 Anchoring All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional techniques).

11.62 AH Zone Drainage Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

11.63 Construction Materials and Methods All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. All Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Any structural storage facility for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare shall be located in a manner which will assure that the facilities are situated at elevations one (1) foot above the height associated with the One Hundred (100) Year Base Flood Elevation and are adequately flood-proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

11.64 Utilities All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and, On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

11.65 Subdivision Proposals All subdivision proposals shall be consistent with the need to minimize flood damage; All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; All new subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions greater than fifty (50) lots or five (5) acres, whichever is less, include within such proposals base flood elevation data.

11.66 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 11.12.4), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least one (1) feet above grade in these zones may result in higher insurance rates.

11.7 SPECIFIC STANDARDS AND PROVISIONS FOR FLOOD HAZARD REDUCTION. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 11.4, ESTABLISHMENT OF FLOOD MANAGEMENT DISTRICT BOUNDARIES AND BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 11.12.4, Use of Other Base Flood Data (In A Zones), the following provisions are required:

11.71 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the base flood elevation.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (3) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (4) The bottom of all openings shall be no higher than one foot above grade.
 - (5) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceeds five (5) feet per second.
 - (7) All building utility systems within the crawlspace shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood conditions.
 - (8) The interior of a crawlspace below the base flood elevation must not be more than 2 feet below the lowest adjacent exterior grade (LAG) and the height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed 4 feet at any point.
 - (9) Below grade, crawlspaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawlspaces are hereby advised that such buildings will have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade.

11.72 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 11.12.5(2);
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 11.7.1(2);
- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below (e.g. a building floodproofed to the base flood will be rated as one foot below).

11.73 Manufactured Homes

- (1) All manufactured homes to be placed or substantially improved on sites:
 - (i) Outside of a manufactured home park or subdivision,
 - (ii) In a new manufactured home park or subdivision,
 - (iii) In an expansion to an existing manufactured home park or subdivision, or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated at or above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- (3) All manufactured homes to be placed with Zone on the FIRM shall be installed using methods which minimize flood damage. Manufactured homes must be elevated anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

11.74 Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (iii) Meet the requirements of 11.7.3 above and the elevation and anchoring requirements for manufactured homes.

11.8 GENERAL FLOODWAY REGULATIONS. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

11.9 FLOODWAYS Located within areas of special flood hazard established in Section 11.4 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, in addition to all other requirement of this ordinance the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 11.9(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 11.7, PROVISIONS FOR FLOOD HAZARD REDUCTION.

11.10 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

(1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

(2) New construction and substantial improvements of nonresidential structures within AO zones shall either:

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

(ii) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 11.7.2(3).

(3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

- (4) Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
- (i) Be on the site for fewer than 180 consecutive days,
 - (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (iii) Meet the requirements of 11.10 above and the elevation and anchoring requirements for manufactured homes.

11.11. CRITICAL FACILITIES. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

11.12 ADMINISTRATION AND DEVELOPMENT PERMITS. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11.4. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the DEFINITIONS.?

11.12.1 Application for Development Permit. Application for a development permit shall be made on forms furnished by the Carey Planning and Zoning Administrator ("Administrator") and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing as may be reasonably required by the Administrator. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 11.7.2(2); and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

11.12.2 Designation of Administrator. The Carey Planning and Zoning Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

11.12.3 Duties and Responsibilities of the Administrator. Duties of the Administrator shall include, but not be limited to:

11.12.4 Permit Review.

Review all development permits to determine that the permit requirements of this ordinance have been satisfied. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11.8 are met.

11.12.5 Use of Other Base Flood Data (In A Zones).

When base flood elevation data has not been provided (A Zones) in accordance with Section 11.4, FLOOD MANAGEMENT DISTRICT BOUNDARIES ESTABLISHED AND BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the (local administrator) shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 11.7, SPECIFIC STANDARDS, and 11.9, FLOODWAYS.

11.12.6 Information to be Obtained and Maintained.

(1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 11.12.4, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 11.12.4:

(i) Verify and record the actual elevation (in relation to mean sea level), and

(ii) Maintain the floodproofing certifications required in Section 11.12.1(3).

(3) The permittee of an application of development within Zone A of the FIRM maintain a recorded of all such information with the Administrator designated in this ordinance.

(4) Obtain, review and reasonably utilize

any base flood elevation and floodway data available from a Federal, State, or other source.

(5) Maintain for public inspection all records pertaining to the provisions of this ordinance.

11.12.7 Alteration of Watercourses.

(1) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(3) Notify in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.

11.13 STREAM ALTERATION PERMIT PROCEDURE -

11.13.1 Interference with Stream Channels Prohibited. No person may excavate in, disturb, fill, build in, upon or across, deposit in or change the channel of any non-intermittent stream in the City from high water mark to high water mark; or within the Floodplain Sub-Districts, without a Stream Alteration permit issued by the Commission.

11.13.2 Procedures. Application shall be made for a Stream Alteration Permit upon a form furnished by the city.

11.13.3 Application. An application for a Stream Alteration Permit shall be filed with the City by at least one holder of interest or their agent. The application may include, but not be limited to, the following information to be specified by the City:

1. Applicant's name, address and phone number.
2. Name of engineer, if applicable.
3. Property location, legal description.
4. location and description of proposed work.
5. plans and information done to appropriate scale accurately show the exact work proposed
6. copies of applications sent to the Army Corps of Engineers and the Idaho Department of Water Resources.

11.13.4 Review by the Commission. The application shall be reviewed by the commission under the procedures in Section 13 of this Ordinance.

11.13.5 Emergency Bank Stabilization. There are times when immediate action must be taken to prevent major flood losses. At such time, the normal application and review procedure may be waived; however, before action may be taken, the city shall be contacted and verbal approval received the Mayor or, in the Mayor absence, two (2) Council members. If emergency bank stabilization is approved, the Applicant shall apply for a stream alteration permit within six (6) months of any stabilization and implement the provisions of any approved stream alteration permit by March 31 of the year following the stabilization.

11.13.6 Standards of Evaluation. The following standards shall be used to review each proposed stream alteration. It is required of the applicant to show that the project meets the criteria of this regulation. Each of the standards must be satisfied before a permit can be approved:

1. The applicant has applied for permits from the Army Corps of Engineers and the Idaho Department of Water Resources.
2. No property of another person will be adversely affected by the proposed stream alteration whether such property is upstream, across stream or downstream from the proposed stream alteration.
3. The stream alteration desired will not involve placing an encroachment, structure, fill, deposit, obstruction, storage of materials, or equipment in the floodway unless certification by a registered engineer is provided, and accepted by the County Engineer, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood discharge and other standards of this section are met.

11.13.7 Conditions. The Commission may attach reasonable conditions upon granting a Stream Alteration Permit.

11.13.8 Responsibility. The landowner is responsible for obtaining the necessary permit and approval and for ensuring that the work is done according to City and State approvals.

11.15 ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11.16 INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;

- (b) Liberally construed in favor of the governing body; and,
- (c) Deemed neither to limit or repeal any other powers granted under State statutes.

11.17 VIOLATIONS AND CRIMINAL PENALTIES. Please refer to penalties and general provisions Chapter.

CHAPTER 12

CONDITIONAL USE PERMITS

12.1 GENERAL. It is recognized that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, public facilities and other attributes. In order to protect the public health, safety and welfare; to ensure conformance with the requirements of this and other applicable ordinances and the Carey Comprehensive Plan, permits are required for such uses in accordance with the provisions of this ordinance. Prior to commencing any conditional use, a person shall obtain a Conditional Use Permit in accordance with this Chapter.

12.2 APPLICATIONS. An application for a conditional use permit shall be filed with the P&Z Administrator by at least one Owner of the real property for which such conditional use is proposed.

12.21 The application shall include the following information:

- (a) Name, address, and phone number of the applicant.
- (b) Legal description of the property.
- (c) Description of existing use.
- (d) Zoning district.
- (e) Description of proposed conditional use.
- (f) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation open spaces, easements, existing and proposed grade, landscaping, refuse and service areas, utilities, signs, rendering of building exteriors, property lines, and north arrow. The plan shall be drawn to scale at no greater than one-inch equals twenty feet (1" to 20').
- (g) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.
- (h) A map showing the lots and parcels of land within three hundred (300) feet of the exterior boundaries of the property in question, together with a list of the names and addresses of the property owner and residents of each parcel within the three hundred (300) feet together with stamped envelopes addressed to each of the name on said list.
- (i) Such other information as may be reasonably required by the Administrator, Commission or Council prior to or during the review process.
- (j) 2 copies of the application, supporting documentation and a pdf map.
- (k) The fee as specified by resolution.

12.3 STANDARDS OF EVALUATION. The Commission and Council shall review the particular facts and circumstances of each proposed conditional use by the following standards and criteria and shall find that such use at the proposed location will:

- 12.31** In fact, constitute a conditional use as established for the zoning district involved;
- 12.32** Be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive Plan and/or this Ordinance;
- 12.33** Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
- 12.34** Not be hazardous or disturbing to existing or future neighboring uses
- 12.35** Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 12.36** Not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
- 12.37** Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water pollution or safety hazards;
- 12.38** Have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares; and
- 12.39** Not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

12.4 **CONDITIONS.** In acting upon such applications, conditional uses are subject to the conditions specified by the Commission or Council which may be include, but not limited to, those which will:

- 12.41** Minimize adverse impact on other development.
- 12.42** Control the sequence, timing, and duration of development or use.
- 12.43** Assure that development is maintained properly.
- 12.44** Designate the exact location and nature of development.
- 12.45** Require the provision for on-site or off-site public facilities or services.
- 12.46** Mitigate foreseeable social, economic, fiscal, and environmental effects.
- 12.47** Require more restrictive standards than those generally required in the ordinance.
- 12.48** Establish the duration of the permit
- 12.49** If land is sold or transferred the original applicant is required to notify the city of new ownership

12.5 **ACTION BY THE COMMISSION.** The Commission shall decide all applications for conditional use permits subject to appeal to the Council except applications for Planned Unit Developments, Mobile Home Parks and Recreational Vehicle Parks for which the Commission shall make recommendations to the Council which shall make the final decision. The Commission shall hold a duly noticed public hearing and enter a written document with decision approving, conditionally approving, or deny the application in accordance with Public Hearing Resolution procedures.

- 12.6 ACTION BY THE COUNCIL.** With regard to applications for Planned Unit Developments, Mobile Home Parks and Recreational Vehicle Parks, the Council shall receive the Commission's recommendation. The Council shall review the particular facts and circumstances of each proposed conditional use application in terms of the criteria and standards of this Chapter. The Council shall enter its written decision approving, conditionally approving, or denying the application in accordance with Public Hearing Resolution procedures. All other Conditional uses will be decided at P&Z unless there is an appeal.
- 12.7 NOTIFICATION BY THE ADMINISTRATOR.** The Commission/ Council shall give the applicant written notice of their decision by mail within ten (10) days of entry thereof.
- 12.8 EXPIRATION AND RENEWAL.** Applications will be reviewed by the Planning and Zoning Administrator annually and if in compliance with the regulations set in the Conditional Use Permit then no action is required but if they are not in compliance then they will receive a letter to be within compliance in 30 days of receiving the letter or they will be in violation and penalties will refer to the penalties and provisions chapter in ordinance.
- 12.9 SPECIAL PROVISIONS.**
- 12.91** The issuance of a conditional use permit shall not be considered a binding precedent for the issuance of other conditional use permits.
- 12.92** A conditional use permit is not transferable from one parcel of land to another.
- 12.93** A conditional use permit shall be valid only for the real property for which the application was made and approved.
- 12.10 REVOCATION.** The Council/ Commission may revoke a conditional use permit for a violation of this ordinance or violation of the conditions of the permit. If the Council finds that probable cause exists for revocation of a conditional use permit, written notice thereof shall be provided the permittee. The Council shall consider revocation of said permit at a public hearing. The Council shall enter its decision in the form of written letter.

CHAPTER 13

PLANNED UNIT DEVELOPMENT PERMITS

- 13.1 PURPOSE.** The City of Carey recognizes that strict adherence to the bulk regulations set forth in this ordinance on a lot by lot basis is not always the most effective manner in which to carry out the intent of this ordinance and the goals and objectives of the Comprehensive Plan. The planned unit development (PUD) process encourages flexibility and creativity in the development of land in order to improve the design, character, and quality of new development consistent with the provisions of this Chapter. Specific purposes of the planned unit development process include: promoting flexibility in the type, design, and siting of structures to preserve and take advantage of the site's unique natural resources or scenic features; to avoid or mitigate any hazardous areas, thereby improving the character and quality of new development; encouraging more efficient use of land, public streets, utilities, and government services; preserving open space for the benefit of residents

of planned unit developments, as well as the community in general; and, achieving a compatible relationship between the uses in the planned unit developments, as well as the community in general.

13.2 GENERAL REQUIREMENTS. A Planned Unit Development shall meet the general requirements and all other standards and criteria of this chapter.

- 13.21** A tract or parcel of land proposed for PUD development must be in one (1) ownership or the subject of an application filed jointly by the owners of all the property included. All land within the development shall be contiguous except for intervening streets and waterways.
- 13.22** A preliminary plat subdivision application shall be filed with and processed concurrently with the PUD application.
- 13.23** Underground utilities, including telephone and electrical systems, shall be required within the limits of all PUDs.
- 13.24** All uses shall be the same as set forth for the zoning district in which the property is located and densities shall be no greater than those established for uses in said zoning district except the Council may grant a density bonus in accordance with this Chapter.
- 13.25** Street and lot orientation, landscaping, and placement of structures shall provide for solar access to all south roofs and walls to the maximum extent reasonably feasible in order to promote energy efficiency. Lots and buildings shall be arranged so that each structure is accessible to emergency vehicles.
- 13.26** Common Usable Open Space. The following minimum requirements shall apply to common usable open space, defined for the purpose of this Chapter as an area not encumbered by any roadway, parking area or substantial structure and which is maintained for the purpose of being used and enjoyed for either informal or structured recreational uses by the residents of the PUD project.
- (a) Not less than ten per cent (10%) of the total lot area shall be common usable open space.
 - (b) A proportionate, undivided interest in all common, usable open space shall be granted in perpetuity to each lot or unit owner within the PUD.,
 - (c) The deed shall contain restrictions against any encroachment into the common open space area.
 - (d) A long-term maintenance plan shall be provided.
 - (e) The property owners shall be responsible for maintaining the common usable open space for the benefit of the residents of the PUD.
- 13.27** Public Easements. In each case where a PUD is located adjacent to public lands, a public easement to those lands shall be provided.
- 13.28** Bulk Requirements and Modifications. The Council may grant modifications or waivers of zoning requirements to carry out the intent of this Chapter and ordinance and the land use policies of the City.
- 13.29** In no case shall uses, including accessory uses, be permitted which would otherwise be prohibited in the district in which a PUD or portion thereof is to be located.

13.29.1 In order to accommodate clustering of units and the provision of common usable space, variation may be permitted in minimum front yard setbacks, minimum side yard setbacks, minimum rear yard setbacks, and minimum lot widths.

13.29.2 In order to provide flexibility in the type and design of structures, the maximum height of buildings and structures may be varied in consideration of the following factors:

- (a) geographic location.
- (b) probable effect on surrounding slopes and terrain.
- (c) adverse visual effect on adjacent sites or other areas in the immediate vicinity, potential problems for adjacent sites caused by shadows, loss of circulation, or loss of view.
- (d) effect on the general area with respect to the creation of extreme contrast in building height or interruption of vistas or obstruction of open space.
- (e) Uses within the building or structure.

13.3 APPLICATION AND DEVELOPMENT PLAN. An applicant for a PUD permit shall, at the same time, file with the City Clerk the PUD application, PUD development plan, conditional use permit application, and the PUD preliminary subdivision plat application.

13.31 The PUD conditional use permit application shall be made upon forms furnished by the City Clerk, and as part thereof shall include five (5) copies of the application, development plan and supporting exhibits. An application shall not be deemed filed until complete and all required fees paid. The City Clerk shall certify the date when an application is deemed complete for the purpose of beginning the review process. The original application shall be kept on file at City Hall and a copy of the dated application form shall be given to the applicant. The application form shall contain the following information and exhibits:

- (a) Name, address and telephone number of applicants.
- (b) Name, address and telephone number of registered surveyor and/or registered engineer assisting in the preparation of the Preliminary Development Plan.
- (c) Legal description of the property.
- (d) A vicinity map at a scale approved by the Administrator, showing property lines, streets, existing zoning and such other items as the Administrator may reasonably require.
- (e) A Preliminary Development Plan drawn to scale showing location and type of proposed land uses; layout dimensions and names of existing and proposed streets, rights-of-way, utility easements, community open space, layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Commission deems necessary. The scale of this and all other plans shall be not more than 1-inch equals 20 feet.
- (f) A drainage plan showing the location, size, and direction of all water courses and drainage, all drainage canals, and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed development.
- (g) A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and showing the location, size and type of proposed landscaping of the project.

- (h) A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at a maximum interval of five (5) feet to show the existing and proposed configuration of the land together with the documentation upon which said contour maps were prepared.
- (i) A current title report together with a copy of the owner's recorded deed to said property.
- (j) A copy of the document establishing the applicant's in the subject property with the written notarized consent of the owner(s) of record of said real property to said PUD. Withdrawal of consent of an owner(s) of record shall constitute withdrawal of the PUD application.
- (k) Location of on-site parking spaces and access thereto, including the dimensions of the spaces and the width and length of access.
- (l) Proposed schedule for the development of the site.
- (m) Studies may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal or environmental effects of the proposed development.
- (n) Additional information as reasonably required at the discretion of the Commission or Council during the review process.
- (o) A map showing the lots and parcels of land within three hundred (300) feet of the exterior boundaries of the property in question, together with a list of the names and addresses of the property owner and residents of each parcel within the three hundred (300) feet together with stamped envelopes addressed to each of the name on said list.
- (p) A fee established by resolution of the City Council.

13.32 PHASED DEVELOPMENT. The development of the PUD may be planned in phases provided that as part of the application and approved by the Council. The development schedule shall contain the following:

- (a) a detailed submission of each phases;
- (b) the parcels which are to be constructed upon in each phase and the date of each phase submission;
- (c) the number of units to be built in each phase;
- (d) a time schedule for the construction of improvements, of making contributions, for various amenities, public services and facilities, open space and employee housing.
- (e) Each phase shall be so planned and related to existing and/or planned services and facilities such that each phase is self-sufficient and not dependent on later phases and so that failure to proceed to the subsequent stages will not have any adverse impacts on the PUD, its surroundings, or the community in general. Each stage shall also be planned so as to ensure that open space and any other amenities will be provided along with proposed residential construction at each phase of construction.

13.4 DENSITY BONUS. The following maximum increases in density may be granted by the Council, singularly or cumulatively, only if the accompanying conditions are met, as follows:

13.41 Ten percent (10%) if at least twenty five percent (25%) of the property included in the PUD is located in the floodplain and no development shall occur within the floodplain.

13.42 Ten percent (10%) if a recreational resource such as tennis courts, ball fields, swimming pool, or gymnasium maintained by a homeowners' association or other administrative entity

established by contract as part of the PUD is made available to the general public under an agreement accepted by the Council.

- 13.5 PUD CONDITIONAL USE PERMIT REQUIRED.** Any person proposing to develop a PUD shall obtain a PUD permit under this Chapter and a Conditional Use Permit, of this ordinance, and approval of the, at least, preliminary plat subdivision application prior to any construction of any improvements, final subdivision, or sale or offering for sale of any units, structures, or land within the subject property.
- 13.6 CONCURRENT SUBMISSIONS.** A Planned Unit Development Permit Application shall be submitted and reviewed concurrently with a conditional use permit application and a preliminary subdivision plat application and such other applications affecting the same piece of property as the applicant desires with the approval of the Administrator. Concurrent submissions shall be voted on separately.
- 13.7 COMMISSION ACTION.** Upon the filing of an application, the Planning and Zoning Administrator shall submit it for review and comment to the City Engineer, City of Carey Water and Sewer Department, the Carey Rural Fire Protection District (“CRFPD”) and such other agencies or studies as determined appropriate by the Commission with a 15 day review period and all expenses thereof shall be paid in advance by the applicant. Refer to public hearing resolution for requirements. Commission shall review the application, all supporting documents and plans, and public comments before making their recommendation to the Council. The Commission shall make written recommendations to the Council to approve, conditionally approve, or disapprove the application and what conditions to appropriate conditions to place upon any approval
- 13.8 CITY COUNCIL ACTION.** Prior a public hearing before the Council, as part of the application, the applicant shall submit a current title report on the subject property and such other information and plans as may be required by the Council.

13.81 The City Council shall, review the application and all supporting plans and documentation, approve, or approve with conditions, or deny the application.

13.82 In order to approve the application, the Council shall find that the application:

- (a) Is in conformance with the Comprehensive Plan, this ordinance and all other appropriate ordinances and regulations of the City and other governmental agencies;
- (b) Complies with the provisions of this ordinance generally and for the zoning district in which the property is located;
- (c) Meets the standards and criteria for issuance of a conditional use permit (d) the proposed development can be completed within one (1) year of the date of approval or phased according to a development schedule;
- (e) the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and comply with city street standards;
- (f) the PUD will not create additional requirements for public facilities and services at public cost;
- (g) existing and proposed utility services are adequate for the population densities and uses proposed;
- (h) the development plan incorporates the site’s significant natural features;
- (i) each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner;

- (j) the required common, useable open space is provided;
- (k) the preliminary subdivision plat for the PUD has been approved.

13.83 The Administrator shall give the applicant written notice of the Council's decision by mail within ten (10) days.

13.9 **CONDITIONS OF APPROVAL.** The Council may attach conditions to a PUD as it deems reasonably necessary to:

13.91 Such conditions may include, but are not limited to, those which will:

- (a) minimize adverse impact on surrounding properties, developments, or public services, facilities or utilities.
- (b) control the sequence and time of development.
- (c) establish the duration of development.
- (d) assure that development is maintained properly.
- (e) require the provision for on-site or off-site public improvements, facilities, or services when the proposed development is found to create a significant adverse impact on off-site public streets, facilities, utilities, or services, including but not limited to bridges, intersections, road, traffic control devices, water mains, sewer mains, fire equipment, transit system and recreational facilities.
- (f) require methods or manner of construction to minimize impact on adjacent properties or to prevent erosion or runoff and similar environmental impacts.
- (g) require dedications of land or cash in lieu thereof for public streets, services, parks, transit or similar uses.
- (h) require additional plans or engineering revision for any aspect of the development plan.
- (i) require provision of adequate employee housing.
- (j) require written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval including, but not limited to, development, services, or annexation agreements.
- (k) require submission of a revised development plan to incorporate changes made therein during the review process.
- (l) Require recordation of documents with the Blaine County Recorder including, but not limited to, Declarations of Covenants and Restrictions, easements, restrictive covenants, management agreements and similar documents establishing and guaranteeing the creation, operation, and maintenance of the project, which may not be amended without the prior written consent of the City Council.
- (m) Compliance with the Comprehensive Plan or to ensure that the benefits derived from the development justify a departure from the standard zoning regulations.

13.10 **EXPIRATION AND EXTENSION OF APPROVAL PERIOD.** A PUD permit shall expire and be null and void for any of the following:

13.10.1 If no building permit is issued for construction of a building within the PUD for a period of one (1) year without the prior consent of the City Council.

13.10.2 If a PUD application is not acted upon by the City Council within one (1) year of the date of its filing with the City Clerk.

13.10.3 If the final subdivision plat is not approved by the City Council within the time required by the Subdivision Ordinance or the PUD conditional use permit.

13.11 MINOR ADJUSTMENTS TO DEVELOPMENT PLAN. Minor changes in the location, siting, or design of buildings and structures may be authorized by the Administrator. All such requests shall be in writing and supported by such documentation as reasonably required by the Administrator. If the Administrator determines that the proposed modification represents a significant change to the proposed project, the Council shall consider the request as an amendment to the PUD Conditional Permit under the same procedures as required for issuance of the original PUD conditional use permit set forth in this Chapter.

13.12 REVOCATION. The Council may revoke a PUD permit for any violation of this ordinance or violation of the conditions of the permit. If the Council finds that probable cause exists for revocation of the permit, written notice thereof shall be provided the permittee. The Council shall consider revocation of said permit at a duly noticed public hearing. The Council shall enter its decision in the form of written findings of fact and conclusions of law.

CHAPTER 14

VARIANCES

14.1 DEFINITION. A variance is defined as a modification of the requirements in this ordinance regarding lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space and location height of buildings, or other provisions affecting the size or shape of a structure of the placement of a structure upon lots, or the size of lots.

14.11 A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of physical characteristics of the site, and only when the variance is not in conflict with the public interest.

14.12 Undue Hardship is defined as substantial reduction in the use of real property

- (a) depriving the applicant of rights commonly enjoyed by the other property owners in the same district under the terms of this ordinance,
- (b) which hardship is not similar to the hardships generally imposed upon property or class of use in the zoning district, and
- (c) which is not merely a matter of convenience, profit or a self-created situation.

14.2 APPLICATION. Any person seeking a variance shall file a complete application form with the Planning and Zoning Administrator, which form shall be provided by the Planning and Zoning Administrator.

14.21. The application shall contain the following:

- (a) Name, address, and phone number of the applicant.
- (b) Legal description of the property.
- (c) Description of existing use.
- (d) Zoning district.
- (e) Description of proposed variance.
- (f) A plan of the proposed site for the variance showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, landscaping, refuse and service areas,

utilities, property lines, and north arrow. The plan shall be drawn to scale at no greater than one-inch equals twenty feet (1" to 20').

- (g) A narrative statement evaluating the effects of the proposed variance on adjoining properties;
- (h) A map showing the lots and parcels of land within three hundred (300) feet of the exterior boundaries of the property in question, together with a list of the names and addresses of the property owner and residents of each parcel within the three hundred (300) feet together with stamped envelopes addressed to each of the name on said list.
- (i) Such other information as may be reasonably required by the Administrator, Commission or Council prior to or during the review process.
- (j) Application fee established by resolution of Council.

14.3 STANDARDS AND CRITERIA FOR REVIEW. The Commission has the authority to grant variances, and shall consider the following factors in ruling on a variance application:

14.31 The variance is in accordance with the Comprehensive Plan;

14.32 There are, in fact, physical characteristics of the property which create an undue hardship (variance definitions), applicable only to the property involved or the intended use thereof, which do not apply generally to the property or class of use in the zoning district;

14.33 The granting of such relieve will not be detrimental to the public health, safety, convenience or welfare;

14.34 Without the variance is the owner derived of all reasonable use of his land;

14.35 The variance will not affect a change in zoning;

14.36 The variance will not be injurious to the property or improvements of others.

14.37 Alternatives that are less detrimental to neighboring property or the public.

14.38 What conditions, if any, are appropriate to place on approval of the variance to protect the rights of affected property owners or the general welfare.

14.4 ACTION BY THE COMMISSION. The Commission shall enter its decision in the form of written document, conditionally approving, or disapproving the application in accordance with Section 19.6 of this ordinance. In acting upon such applications, the Commission may specify that approval shall be contingent upon the acceptance by the applicant of reasonable conditions it deems necessary to protect the rights of affected property owners and the general welfare.

14.5 NOTIFICATION BY THE ADMINISTRATOR. The Commission shall give the applicant written notice of the Commission's decision by mail within ten (10) days after the Commission has reached a decision.

14.6 APPEAL TO COUNCIL. Any aggrieved party may appeal the Commission's final decision on an application for a variance to the City Council, as provided in this ordinance.

14.7 RESUBMITTAL. No application for a variance which has been denied by the Commission or the Council, or withdrawn by the applicant, may be resubmitted within less than one (1) year of the final date of action thereon.

14.8 EXPIRATION. A variance which is not used within the time specified in the approval, or if no time is specified, within one (1) year after the permit is granted is void.

CHAPTER 15

MOBILE HOME AND RV PARKS

- 15.1 PURPOSE.** The purpose of this section is to provide for requirements and standards for development of Mobile Home Parks (MHP) and RV Parks (RVP). Ensuring that the public health, safety and welfare are protected and that proper provisions for public facilities shall be made.
- 15.2 DIMENSIONAL STANDARDS.** Mobile home parks shall comply with the following:
- 15.21** All MHP shall submit a Site Plan, drawn to scale, to the Planning and Zoning Administrator.
 - 15.22** Minimum Area of MHP: three (3) acres.
 - 15.23** Minimum Width of MHP Parcel: one hundred (100) feet
 - 15.24** Minimum MHP Front and Rear Yard Setback: twenty-five (25) feet.
 - 15.25** Minimum MHP Side Yard Setback: ten (10) feet.
 - 15.26** Corner Lot Additional Setback: There shall be no obstruction to the view of motorists placed closer than fifteen (15) feet from the property line at the corner or intersection of any street or highway. Any fences, shrubs, etc. that are placed within said setback line shall not exceed a height of three (3) feet and shall not be placed so as to interfere with vision of motorists at intersections.
 - 15.27** Each mobile home space shall have a minimum of two (2) parking spaces.
 - 15.28** Maximum height of buildings: thirty-five (35) feet.
 - 15.29** The maximum height of any accessory building shall be no more than twenty (20) feet.
- 15.3 ADDITIONAL REGULATIONS.** The following shall be provided for in all mobile home parks:
- 15.31** The MHP and all mobile homes therein shall be connected to City of Carey central water and sewer systems.
 - 15.32** All units shall directly abut and have vehicular access from a street.
 - 15.33** Parking Adequate graveled parking areas for each unit shall be a minimum road base mix.
 - 15.34** Usable open space at a minimum of twenty percent (20%) of the total lot area. Within the open space(s) shall be adequate playground and park facilities for the residents of the MHP, or applicant(s) will be subject to City Park in lieu fee.
 - 15.35** Each mobile home space shall be a minimum forty (40) feet in width and one-hundred thirty (130) feet in length.
 - 15.36** All streets and ways shall be private and shall be constructed with a minimum road base mix. in accordance with the subdivision ordinance standards for streets and city street standards.
 - 15.37** All utilities shall be constructed underground and in accordance with the applicable standards.
 - 15.38** The mobile home park shall be adequately screened from view by a fence or substantial landscaping from adjacent and nearby properties and public streets in accordance with a landscaping plan for the entire property that is approved by the approved by the Planning and Zoning Commission.
 - 15.39** Adequate screened or enclosed storage areas shall be provided for each mobile home.

15.4 RECREATIONAL VEHICLE PARKS (RVP). Recreational Vehicle Parks shall comply with the following standards and criteria.

- 15.41** All RVP shall submit a Site Plan, drawn to scale, to the Planning and Zoning Administrator.
- 15.42** Minimum area of RVP: two (2) acres.
- 15.43** Each RV shall have its own RV space within the park and all RV spaces shall be connected to City of Carey central water/sewer systems and power.
- 15.44** All RVP street entrances shall have a minimum twenty (20) foot wide graveled vehicular access directly from a street.
- 15.45** All RV spaces will be a minimum forty (40) feet in length and twenty (20) feet in width. Within the dedicated RV space, there shall be a minimum gravel parking space of ten (10) feet in width, with the remaining ten (10) feet in width landscaped.
- 15.45** The RVP shall have usable open space at a minimum of twenty (20%) percent of the total lot area.
- 15.46** All streets and ways shall be private and shall be constructed with a minimum road base mix in accordance with the subdivision ordinance standards for streets and city street standards.
- 15.47** All utilities shall be constructed underground and in accordance with the applicable standards.
- 15.48** The RVP shall be adequately screened from view by a fence or substantial landscaping from adjacent and nearby properties and public streets in accordance with a landscaping plan for the entire property, approved by the Planning and Zoning Commission.
- 15.49** Provisions shall be made within the RV park for proper covered receptacles for the disposal of waste management.

CHAPTER 16

NON-CONFORMING USES AND BUILDINGS

- 16.1 PURPOSE.** It shall be the policy of this ordinance to allow, but not encourage, the continuation of existing non-conforming uses and buildings. A non-conforming building is a building that does was
- 16.2 DEFINITIONS.** As used in this Chapter, the following definitions shall apply:
 - 16.21 NON-CONFORMING BUILDING** is a building that complied with the zoning ordinance in effect at the time it was constructed and which does not conform to the Dimensional Standards of this ordinance for the district in which the building is located on the effective date of this ordinance.
 - 16.22 NON-CONFORMING USE** is a use which complied with the zoning ordinance in effect at the time it was established on a particular parcel of real property, which has been continuously maintained thereon, and which is not a Permitted Use under this ordinance for the district in which the use is located on the effective date of this ordinance.

- 16.3 NON-CONFORMING USE REGULATIONS.** Lawful non-conforming uses are subject to the following regulations:
- 16.31 CHANGE OF USE.** Such a non-conforming use may be changed to a conforming use, but shall not be changed to another non-conforming use.
- 16.32 EXPANSION OF USE.** A non-conforming use shall not be enlarged or expanded after passage of this ordinance, except as herein provided.
- (a) An enlargement or expansion is defined as an increase in the square footage of building or use space, area of land covered, or number of dwelling units.
- (b) A non-conforming use shall not be justification for adding other structures or uses not permitted in the zoning district.
- 16.33 CONDITIONAL USE PERMIT.** A non-conforming use shall not be enlarged or expanded except on issuance of a conditional use permit pursuant to Chapter 12 of this ordinance.
- 16.34 DISCONTINUANCE OF USE.** If non-conforming use is not actually operated for a period of twelve (12) continuous months, it shall be deemed to have been discontinued and shall not be further permitted. If a non-conforming use is abandoned it shall not be permitted to resume operations.
- 16.4 NON-CONFORMING BUILDING REGULATIONS.** Lawful non-conforming buildings are subject to the following regulations:
- 16.41 EXPANSION.** A non-conforming building shall not be expanded or enlarged except in a manner which conforms to the requirements of this ordinance.
- 16.42 MAINTENANCE.** A non-conforming building may be maintained and repaired subject to the limitations under restoration.
- 16.43 RESTORATION.** A non-conforming building which has been damaged by more than sixty per cent (60%) of its assessed valuation may be restored to its original condition provided a building permit is obtained to rebuild said structure and the work is commenced within twelve (12) months from the date such damage occurred, and all work is done in accordance with the Uniform Building Code then in effect.
- 16.5 SINGLE NON-CONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for lot area or width, or both, provided the structure complies with the setback and other requirements for the district in which such lot is located.
- 16.51** A residential building on an undersized lot shall not be considered a non-conforming building provided the building meets the dimensional and setback requirements for that district.

CHAPTER 17

OFF-STREET PARKING AND LOADING FACILITIES

- 17.1 PURPOSE.** Accessory parking and loading facilities shall be provided as required herein for every building and structure erected, and every land use established after the effective date of this ordinance.
- 17.2 OFF-STREET PARKING REQUIRED.** Every use shall provide at least the minimum number of parking spaces required for that use based on the formula listed hereinbelow. Further, the minimum parking dimensions are as follows:

<u>ANGLE</u>	<u>WIDTH</u>	<u>LENGTH</u>	<u> AISLE WIDTH</u>
90 degrees	9.0'	19'	24'
60 degrees	9.0'	21'	16'
45 degrees	9.0'	19.8'	15'
Parallel	8.0'	23'	14'

Off-street parking spaces, each containing at least one hundred and eighty (180) square feet, shall be required in all districts for residential, commercial, commercial/light industrial, light industrial and institutional uses, as follows. All areas counted as off-street parking space shall be unobstructed and free of other uses, and shall be located totally outside of any street or alley right of way.

17.3 PARKING SPACES REQUIRED.

17.31 Residential: two parking spaces per dwelling unit.

17.32 Commercial: one parking spaces per every two hundred (200) square feet of gross floor area of building.

17.34 Light Industrial: one parking spaces per every seven hundred and fifty (750) square feet of gross floor area of building.

- 17.4 ACCESS AND CURB CUTS.** All spaces must have unobstructed access to and from streets and alleys by means of a driveway not less than fourteen (14) feet wide. The maximum curb cut(s) shall be no more than thirty-five per cent (35%) of the lot frontage. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
- 17.5 SURFACE AND DRAINAGE.** Off-street parking and loading areas shall be surfaced with asphalt, concrete, compacted gravel, crushed rock, or other durable material. On-site drainage of surface water adequate to prevent flows of water onto adjacent properties or walkways shall be provided.
- 17.6 LIGHTING.** All lighting used to illuminate a parking area shall be lighting arranged in such a manner as not to directly shine on adjoining property.
- 17.7 DESIGN AND LOCATION OF OFF-STREET PARKING AND LOADING AREAS.** Whenever a new parking or loading area is located in or adjacent to a residential area, it shall be effectively screened from view on all sides which adjoin or face any property used for residences by a wall, fence, or planting screen not less than four (4) feet in height. The space between such fence,

wall, or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. All required on-site parking spaces and loading areas shall be located on the same parcel of property as the use or structure requiring same. Abutting lots may be used to meet the parking requirement provided a deed restriction approved and enforceable by the City is first placed on the properties that insures the continuation of the required parking.

- 17.8 INTENSITY OF USE.** When any building or premises is increased through the addition of dwelling units, building square footage, or otherwise, the parking or loading facilities as required in this Chapter shall be provided for such increase. For expansion of an existing building, which is lawfully non-conforming in terms of not meeting the parking requirements, the additional parking and loading spaces required in this Chapter shall be provided for the expansion. All available parking with regard to a non-conforming building shall remain and no expansion of a non-conforming building shall eliminate any required on-site parking space located on said lot. No required off-street parking space or loading area may be converted to any other use unless an equivalent amount of additional on-site parking space is provided.
- 17.9 OFF-STREET LOADING FACILITIES.** Adequate off-street loading spaces for commercial, light industrial and institutional uses shall be provided so that loading need not take place from public streets. Off-street loading facilities shall not project into the public right of way or setback area. They shall be conveniently accessible from streets and alleys. The required off-street loading berths shall not be part of the same area used to satisfy the off-street parking requirements.

CHAPTER 18

SIGNS, LIGHTING, FENCES

18.1PURPOSE. It is the purpose of this chapter to establish standards for the fabrication, erection, and use of signs within the City of Carey. These standards are desired to protect and promote the public welfare, health, and safety of persons within the community; to protect property values; to promote traffic safety; to provide visibility and to aid in the development and promotion of business by providing regulations which encourage aesthetic creativity, effectiveness, flexibility in the design and use of such devices and to promote energy conservation; and is adopted in accordance with the authority granted in Idaho Code 67-6518, 67-6511, and all applicable laws.

18.2 DEFINITIONS: When used in this Chapter, the following words are defined as set forth below.

A - Abandoned sign. A sign which no longer advertises a bona fide business, owner, lessor, product or activity conducted.

B- Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

C - Art. Any form that is used to depict form or beauty that is not part of the commercial message of the sign.

- D - Architectural blade.** A roof sign or projecting sign with no visible legs or braces, designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.
- E - Area of sign.** The area of the face of the sign per side within a perimeter which forms the outside shape including any frame, which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed.
- F - Awning.** A shelter supported entirely by the exterior wall of the building or structure it is attached to.
- G - Banner or Pennant.** A temporarily placed piece of cloth, plastic, paper, or other such material varying in size, shape, or design, erected as an advertising device. Display period shall not exceed 15 days following an event or a total of 120 days before you will be required to file a sign permit application.
- H - Billboard.** A panel for the display of advertisements of predominately off-site uses in public places, such as alongside highways or on the sides of buildings.
- I - Building complex.** A building or group of buildings within a single architectural plan and/or a parcel of property housing two (2) or more commercial units of operation and providing common facilities or utilities, the building owner may elect to designate a building a complex.
- J - Building face or wall.** All wall area including windows and doors of a building in one plane or elevation.
- K - Building frontage.** The linear width of a principle building fronting the street address right of way.
- L - Canopy, awning or marquee sign.** Any such sign attached to or constructed in or on a canopy, awning or marquee.
- M - Canopy-Structural.** Any cover or structure that uses a permanent roof structure to provide protection from weather supported by upright support columns or the principal building itself.
- N - Electronic message center, manual.** A sign on which copy or sign panels may be changed manually, such as boards with changeable letters or changeable pictorial boards.
- O - Electronic message center, automatic.** An electronically or electrically controlled time, temperature and date sign, message center or reader board, where different copy changes are shown on the same location.
- P - City.** City of Carey, Idaho.
- Q - Community or Civic Event.** A public event which may be of interest to the community as a whole. This does not include any commercial product, goods or services.
- R - Construction sign.** A temporary sign identifying building or construction site and the architects, engineers, financial institutions, contractors, and suppliers involved.
- S - Copy.** The wording on a sign surface.
- T - Design Review.** The City Planning Administrator with requested review from the Planning and Zoning Commission shall conduct design review.
- U - Flashing sign.** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.
- V - Free-standing sign.** A fixed sign erected on a free-standing frame, mast, or pole and not attached to any building.
- W - Height of sign.** The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign.
- X - Internally lighted sign.** A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

Y - Marquee sign. Any permanent roof-like structure projecting beyond a building. This is generally designed to provide protection from the weather and usually has changeable copy letters on it. (i.e., a theatre marquee).

Z - Mural. A picture or scene painted directly on a wall for aesthetic purposes.

A1- Neon sign. Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

B1 - Nonconforming sign. Any advertising structure or sign which was erected and maintained prior to the date of adoption of this Chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Chapter.

C1 - Permanent sign. Any sign other than a temporary sign.

D1 - Portable sign. Any sign not permanently attached to the ground or building, such as a sign on wheels, or sign supported by an A-frame apparatus or a heavy weight at the base which can be moved from place to place, or any other device in the form of a sign which is of a temporary nature.

E1 - An area of land with its appurtenances and building(s) which, because of its unity, is one unit of real property.

F1 - Principal building. The building in which the primary use for the property is conducted.

- a) In a single use, one business per property.
- b) In a complex, the building or area of a building from which each business conducts its' primary business.

G1 - Projecting sign. A sign, other than a wall sign, which is attached to and projects from a structure or building face.

H1 - Roof sign. Any sign attached upon, against, or directly above a roof of a building.

I1 - Sign. Any structure or natural object or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any product, place, activity, person, institution, organization, or business; or which displays or includes any letter, word, model, banner, flag, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement. A sign shall have no more than two sides.

J1 - Temporary sign. A sign which is not permanently affixed and has a limited display period, after which it is removed. Display period shall not exceed 15 days following an event or a total of 120 days before you will be required to file a sign permit application.

K1 - Total signage. The sum of all sign areas.

L1 - Wall sign. A sign painted on any surface area of a building, including windows and doors, attached to, or erected against a wall, window or door of a building with the face parallel to the building wall and extending not more than one foot (1') there from.

M1 - Window sign. Any sign installed for the purpose of viewing from the outside.

18.3 PERMIT REQUIRED. It is unlawful to erect, construct, reconstruct, structurally alter, or change the use of any sign, as defined in this Chapter without first obtaining a sign permit from the Planning & Zoning Administrator.

18.4 APPLICATION. An individual wishing to construct a new sign or structurally alter, or change the use of an existing sign, as defined in this Chapter shall file a sign permit application together with all required material per this ordinance with the administrator for administrative review. Additional information reasonably required for thorough review of the application may be required by the administrator to be provided by the applicant.

18.41 All applications for permits for signs must include the following:

18.41.1. A site plan which specifies the linear footage of building frontage on the primary facade, the location of the sign structure, or if the sign is to be mounted on the building, drawings which show the scale of the sign in context with the scale of the building.

18.41.2 Colored rendering or scaled drawing including:

- a) color samples,
- b) dimensions of all sign faces,
- c) descriptions of materials to be used,
- d) manner of construction and
- e) method of attachment.

18.41.3 A sign permit application on the form provided by the City.

18.41.4 Appropriate fees as established by separate resolution of the Carey City Council.

18.41.5 Complete sign permit applications will be reviewed by the Administrator, subject to the approval of the Administrator, within ten days of the receipt of the complete application and the application fee and said application shall be either approved, denied, or returned with requested modifications. Any applicant who feels a denial is not justified has the right to appeal the decision to the Planning and Zoning Commission, and to appear on the next regularly scheduled meeting for which proper notice can be given and for which agenda space is available. Intention to appeal to the Commission shall be filed with the Administrator in writing within ten days following the date of the denial of the permit.

18.41.6 Computations of Dimensions for Sign Area. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign display, together with any color or material forming an integral part of the sign.

18.41.7 Violations. Any person violating this Ordinance shall be guilty of a misdemeanor and may be punished by fine or incarceration. The maximum penalty for any offense shall be by fine of not more than \$300.00 dollars, or by imprisonment not exceed six (6) months, or by both such fine and imprisonment. Each day the violation continues shall be considered a separate offense.

18.5 **PROCEDURES.** Should an adjoining property owner(s) or other affected person(s) object to the application or the Administrator otherwise determines it appropriate, the Administrator may consult with the Commission Chairperson and with his/her approval, may submit the application to the Planning and Zoning Commission for its review and decision.

18.6 **RESTRICTIONS.** It shall be unlawful for any person to erect, construct, alter, maintain, or use any sign except as provided for in this Chapter.

- 18.61** No sign shall be placed in or over any public right of way, except for authorized signs.
- 18.62** No sign in any zone shall be erected in such a manner as to obstruct the free and clear vision of vehicular traffic and pedestrians, or at any location where by reason of similarity of position, shape, color, words or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- 18.63** The following signs are prohibited in any zone:
- (a) Any sign, part, attachment or light that is flashing, revolving, moving, intermittent, or oscillating including signs on the inside of a building that are visible from the street meant to attract customers inside;
- 18.64** Any art or lines that are an integral part of the lettering shall be considered as part of the sign.
- 18.65** No banners or temporary signs may be used as permanent signs. After they have exceeded their allowed use time, they shall be taken down.

18.7 PERMITTED SIGNS FOR USES CONDUCTED ON SAME PREMISES (ON-SITE). The following signs are permitted to be placed on the same parcel of real property as the business which they advertise or refer

- 18.71** One (1) not to exceed two (2) square feet per side, may be erected in any district.
- 18.72** Except as otherwise provided herein, the maximum signage in the Commercial and Light Industrial zones shall not exceed one and one-half (1.5) square feet of sign area per lineal foot of building frontage up to a maximum of two hundred (200) square feet for wall signs.
- 18.73** sign incorporated into the entry gate not to exceed thirty-two (32) square feet per side.
- 18.74** Internally lighted signs. In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance or adjacent property owner nuisance.
- 18.75** Roof Signs which shall not project higher than any point of building.

18.8 EXEMPT SIGNS. The following signs are permitted without having to first obtain a sign permit:

- 18.81** Flags, either official or historical, of any state or nation. The pole height shall not exceed 50 feet.
- 18.82** Warning signs in Commercial and Light Industrial zones, such as “no parking”, and directional signs such as “entrance”, not to exceed two (2) square feet per side.

18.83 Temporary signs, banners, or pennants display period shall not exceed 15 days following an event or a total of 120 days before you will be required to file a sign permit application.

18.85 Murals, provided no words or commercial images are used for the intent of advertising.

18.9 NONCONFORMING SIGNS. It shall be the policy of this ordinance to allow, but not encourage, the continuation of existing non-conforming signs. Lawful nonconforming signs shall not be replaced with nonconforming signs. Deteriorating or damaged signs shall be repaired or improved within thirty (30) days of notification.

18.10 DESIGN AND CONSTRUCTION STANDARDS. All signs shall comply with the following requirement:

18.10.1 No free-standing, projecting, or wall sign shall be designed, constructed, or erected which extends above the roof line of the building. In any case, no sign shall exceed thirty-five (35) feet from ground level to sign top unless a wall sign. These signs may be mounted up to the real roof line of the building.

18.10.2 No projecting sign, canopy, or marquee shall extend from a building to a point four (4) feet beyond the property line and may encroach only within public right of way. The bottom of any projecting sign may not be lower than eight (8) feet above any public right of way. No sign shall extend above a vehicle passageway.

18.10.3 All supports for all signs or sign structure shall be placed in and upon private property.

18.11 MAINTENANCE, REPAIR AND REMOVAL. Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the repair or replacement of defective parts, painting, cleaning, and other acts required for maintenance.

18.11.1 Abandoned Signs. Any sign that is located on property that is unoccupied for a period of six (6) months or which advertises a product, service, facility or event which have not been available to the public for a period of six (6) months, shall be deemed abandoned and shall be removed by the owner of the premises.

18.11.2 Dangerous or Defective Signs: No person shall maintain or permit to be maintained on any property owned by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign.

18.11.3 Removal of Signs: The Building Inspector shall cause to be removed any dangerous or abandoned sign. The Building Inspector shall send a notice by certified mail to the owner of the property at the address to which tax notices are sent by Blaine County, Idaho. If the sign is not removed or the violation not corrected within thirty (30) days from the date of the mailing, the sign may be removed by the City.

18.11.4 Imminent Danger: In cases of imminent danger to public safety, the City may cause immediate removal of a dangerous sign without prior notice. The determination of the Building Inspector ordering removal or compliance may be appealed to the Commission by filing written notice with the City Clerk within fifteen (15) days of the mailing of notice.

18.11.5 Disposal: Any sign removed by the City pursuant to the provisions of this Section, may be disposed of in any manner deemed appropriate by the City. The cost of removal shall be considered a debt owed to the City by the owner of the real property upon which the sign was located, and shall constitute a lien upon said real property.

18.12 LIGHTING. All signs shall comply with the following requirements.

18.12.1 Exterior lighting systems shall not create or cast light directly on neighboring properties.

18.13 TERMS OF LIMITATIONS OF APPROVAL. Failure to complete construction of a sign within one year from date of the approval of the sign permit or abandonment, forfeiture or loss of a building permit shall therefore render the sign permit to be null and void.

18.14 FEES AND COST. Each applicant for a sign permit shall file an application with the Planning and Zoning Administrator and pay such fee as established by resolution of the City Council prior to consideration of the application.

18.15 FENCES. All fences shall comply with the following regulations:

18.15.1 Sight-obscuring fences, hedges, walls, lattice work, screens or earth berms (collectively referred to as “fences”) shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles, bicycles, or pedestrians is obstructed.

18.15.2 Fences placed on the property line of lots located at the intersection of two streets shall not exceed a height of three and one-half (3-1/2) feet from the corner point the distance of thirty (30) feet down the side lot line and thirty (30) along the front lot line.

18.15.3 All fences shall be maintained in good condition and repair. Fences in the residential zoning district shall not exceed six (6) feet in height, unless a conditional use permit has first been obtained therefore.

CHAPTER 19

ADMINISTRATIVE ORGANIZATION, PROCEDURES, AND APPEALS

19.1 ADMINISTRATOR. The Council may appoint an Administrator to administer this ordinance. However, until such time as an Administrator is appointed or in the absence thereof, the Commission

shall perform the duties set out in this ordinance for the Administrator. The Council or Commission may delegate further duties to the Administrator as each may deem advisable.

19.2 PLANNING AND ZONING COMMISSION. A Planning and Zoning Commission is hereby established upon appointment of members by resolution.

19.21 The Commission's duties include, but not be limited to, the following:

- (a) Initiate amendments to the zoning and subdivisions ordinance, and the Comprehensive Plan.
- (b) Periodically review all proposed amendments to these ordinances and the Comprehensive Plan, and make recommendations to the Board.
- (c) Review development proposals according to the processes outlined in the Zoning Ordinance and Subdivision Ordinance.
- (d) Review applications for zoning reclassification and make recommendations to the Board.
- (e) Review, grant, or deny certain conditional use permit applications and applications for variances as provided for in this ordinance.
- (f) Hear and decide appeals when it is alleged that an error has been made by the Administrator.
- (g) Inform the news media regarding land use and zoning matters of public interest, particularly the time and place of public hearings;
- (h) Provide applicants with required forms and permit applications. Where practical, combine related the processing of related permits.
- (i) Investigate all violations of this ordinance, and notify in writing the person responsible for such violation (s), ordering the action necessary to correct such violation.
- (j) Maintain permanent and current records of land use applications under this ordinance and of the hearings and actions thereon as required by law.

19.22 Membership. The Commission shall consist of five (5) voting members, each appointed by the Mayor and confirmed of the majority vote of the Council. The Council shall insure that the interests of the entire city and its zone of impact (hereby designated as all real property within one (1) mile of the municipal boundaries of said city under Idaho Code 50-1306 or until otherwise established as provided by law) are broadly represented on the Commission, and shall select the members without respect to political affiliation. Each member has been a resident of Blaine County, Idaho, for two (2) years and shall be and must remain a resident of the City, except one member may reside within the zone of impact. On the initial Commission, three members shall be appointed for terms of four (4) years and two members for terms of two (2) year. Each member shall be appointed to serve a term of four (4) years and no member may serve for more than two (2) consecutive terms. Unexpired terms shall be filled in the same manner as the original appointments for the remainder of the term of the member replaced. Members may be removed for cause, by a majority vote of the Council.

19.23 Conflict of Interest. A member or employee of the Commission shall not participate in any proceeding or actions when the member or employee or his employer, business partner, associate, or any person related to him by affinity or consanguinity with the second degree has economic interest in the procedure or action. Any actual or potential

interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard. A knowing violation is a misdemeanor by state law.

19.24 Organization. The Commission shall elect a chairman, vice-chairman and create any additional offices it may deem necessary. The Commission may establish sub-committees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities under this Chapter. The Commission may enact a set of Bylaws to guide its operations and appoint a recording secretary.

19.25 Meetings, Records, and Voting. At least one (1) regular meeting shall be held each month for not less than nine (9) month in year. An additional special meeting may be scheduled as necessary. All Commission meetings and records shall be open to the public. A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained as required by law. All members shall have voting rights and a majority of the members of the Commission shall constitute a quorum.

19.3 APPEALS FROM DECISIONS OF THE ADMINISTRATOR. Any person aggrieved by a decision of the Administrator made in interpreting or enforcing this ordinance may appeal such a decision to the Commission by filing a written Notice of Appeal with the City Clerk within twenty (20) days of such decision stating the date of the appeal, the decision appealed from, the date of the decision and all the grounds for the appeal with particularity. If no Notice of Appeal is timely filed the decision becomes final. The appellant shall pay an appeal fee to cover the costs of said appeal as set by resolution of the Council.

19.31 Hearing by Commission. The Commission shall hold a hearing on all appeals from decisions of the Administrator within thirty-five (35) days of the filing of the Notice of Appeal. The Commission may receive evidence at such an appeal hearing from the appellant and the Administrator.

19.32 Decision by Commission. The Commission shall, within thirty-five (35) days after the hearing, enter a written order affirming, reversing, or modifying the Administrator's decision. The order shall also contain the reasons for the Commission's decision and be in the form of written findings of fact and conclusions of law. The time for entering a decision may be extended by the Commission upon a finding that the same is appropriate due to the complexity of the issues or need for additional evidence.

19.4 APPEALS TO THE COUNCIL. Any person aggrieved by any final decision of the Commission may appeal the Commission's decision to the Council by filing a Notice of Appeal with the City Clerk within twenty (20) days of the Commission's final action. If no Notice of Appeal is timely filed the decision shall be final and not subject to appeal. The Notice of Appeal shall state the date of the appeal, the decision appealed from, the date of the decision and all the grounds for the appeal with particularity. In addition, the appellant shall pay an appeal fee as set by resolution of the Council. Copies of the Notice of Appeal shall be transmitted to the members of the Council and the Commission.

19.41 Transcript. The Administrator shall provide any such aggrieved person with a written statement of the estimated cost of preparation of the verbatim transcript of the proceeding involved in the appeal. The cost shall be calculated as the actual cost of

hiring a qualified person to transcribe the record of the proceedings. The estimated cost of the transcript shall be paid by the appellant prior to beginning the transcription. The transcript of the proceedings shall be prepared at the appellant's sole expense and the actual cost of the transcript shall be paid in full before the transcript and record are forwarded to the Council.

19.41.1 Transmission of Record. Within thirty-five (35) days after the verbatim transcript is prepared and submitted to the City, the Administrator shall prepare the record of the proceedings appealed from. The record shall contain the application, documents, exhibits, minutes and decisions pertinent to the appeal with a certificate signed by the Administrator listing all documents in the record in chronological order of filing together and stating that the documents listed comprise the complete record of the Commission's proceedings. The Commission shall transmit one (1) copy of the record and transcript to each Council person, Mayor and the appellant.

19.42 Hearing by the Council. The Council shall hold a hearing on the appeal following receipt of the Commission's record and transcript. The appeal shall be placed on the agenda of and heard at a regular Council meeting. The appeal shall be based solely upon the record before the Commission. The parties to the appeal may present briefs to the Council and each party may present fifteen (15) minutes of oral argument to the Council.

19.43 Decision by the Council. The Council shall enter a written decision within thirty five (35) days after the hearing affirming, reversing, or modifying the Commission's decision. The decision shall be in the form of written findings of fact and conclusions of law. The time for entering a decision may be extended by the Council upon a finding that the same is appropriate due to the complexity of the issues.

19.5 PUBLIC HEARING, NOTIFICATION, AND DECISION. In regards to applications requiring a public hearing please refer to the public hearing resolution requirements. Public notice shall be provided for land use actions requiring a public hearing.

19.6 CONCURRENT SUBMISSIONS. Applications may be submitted and reviewed concurrently with other applications affecting the same piece of property, with the approval of the Commission. Additional time for review of concurrent applications may be specified by the Commission. Each concurrent submission shall be voted on separately.

CHAPTER 20

ORDINANCE AMENDMENT PROCEDURE

20.1 GENERAL. Whenever the public necessity, convenience, or general welfare, or good zoning practices require, the Council may, by ordinance, amend, supplement or repeal the provisions of this ordinance in accordance with the procedures of this Chapter.

- 20.2 DEFINITION.** As used in this Chapter, an amendment shall mean any change, supplement, or repeal of the provisions of this ordinance. Amendments include text amendments and reclassification of property from one zoning district to another (also, commonly referred to as reclassification or rezones).
- 20.3 INITIATION OF AMENDMENTS.** Amendments may be initiated by adoption of a motion by the Commission or the Council, or by the filing of an application with the Administrator.
- 20.4 APPLICATION.** Any person seeking a map amendment (rezone) and text amendment shall file a complete application with the Planning and Zoning Administrator on a form provided by the City, accompanied by the fee as provided in this ordinance. The application shall include at least the following information:
- 20.41** Name, address and phone number of applicants;
 - 20.42** Proposed amendment;
 - 20.43** Present land use;
 - 20.44** Present zoning district and proposed zoning district;
 - 20.45** Proposed use;
 - 20.46** A vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning;
 - 20.47** A map showing the lots and parcels of land within three hundred (300) feet of the exterior boundaries of the property in question, together with a list of the names and addresses of the property owner and residents of each parcel within the three hundred (300) feet together with stamped envelopes addressed to each of the name on said list.
 - 20.48** A plan of the site showing the existing and proposed location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, landscaping, refuse and service areas, utilities, property lines, and north arrow;
 - 20.49** A narrative statement evaluating the effects of the proposal on adjoining property; describing detrimental and/or beneficial impacts on existing adjacent lands and uses; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed zoning and its use to the Comprehensive Plan;
 - 20.49.1** Such other information as the Commission or Council may reasonably require.
- 20.5 ACTION BY THE COMMISSION.** The Commission shall review proposed amendments in the following manner:
- 20.51** Amendments may consist of text amendments or map amendments (rezones). Proposed amendments, by application or by motion of the Commission or Council, shall be submitted to the Commission which shall evaluate the proposal to determine the nature and extent of the amendment, and whether or not it is in accordance with the Comprehensive Plan.
 - 20.52** If the proposal is not in accordance with the Comprehensive Plan, the Commission shall notify the applicant of this finding and inform the applicant that he must apply for an amendment to the Comprehensive Plan before this ordinance may be amended in accordance with the provisions herein.

20.53 If the proposal is in accordance with the Comprehensive Plan, the Commission may recommend and the Council may adopt or reject the ordinance amendment as provided in this Chapter.

20.54 Commission Public Hearing. Refer to public hearing resolution

20.55 Text Amendment. The Commission shall review, prior to recommending a text amendment to the Council following Idaho Code on text amendments.

20.56 Zoning Map Amendment. Prior to recommending a map amendment that is in accordance with the Comprehensive Plan to the Council, the Commission shall review and follow Idaho code for Zoning map amendment

20.57 From the receipt of the proposed amendment the Commission shall transmit its recommendations to the Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

20.6 STANDARDS FOR REVIEW. The Commission and Council shall consider, at least, the following standards and criteria in reviewing applications for amendments to this ordinance;

20.61 The amendment is in accordance with the Comprehensive Plan.

20.62 Whether there was a mistake in the original zoning or there has been a substantial change in the surrounding neighborhood since the zoning ordinance was adopted which makes the proposed rezoning appropriate.

20.63 Whether the property owner is presently being denied all reasonable use of his property.

20.64 To what extent the public health, safety, or general welfare may be affected, adversely and positively, by the proposed amendment.

20.65 Whether present zoning classifications are in conformity with existing and anticipated uses of adjacent and nearby properties.

20.66 Existing public streets and infrastructure can accommodate the effect of proposed amendment.

20.67 The proposed amendment will not create substantial additional requirements at public cost for public services and facilities.

20.68 The proposed amendment will be in accordance with the general public welfare and appropriate at this time.

20.69 Additional criteria for proposed rezones to Light Industrial or Commercial zones districts shall include but are not necessarily limited to the following:

(a) the existence of natural screening or the provision of a reasonable alternatives to give separation from existing uses;

(b) the accessibility of proposed area to employee and product transportation lines; and, the availability of adequate access without utilizing accesses through residential areas to serve the area.

- 20.7 ACTION BY THE COUNCIL.** If the Council makes a material change from what was presented at the Commissions public hearing, further notice and hearing shall be provided before the Council adopts the amendment. The Council shall make its decision to approve, modify or deny any application to amend the text of this ordinance, or to amend the zoning map of this ordinance within ninety (90) days of the recommendation from commission. The time periods in this chapter may be extended by the Council.
- 20.8 RESUBMISSION OF APPLICATION.** No application for a map amendment or rezone of any property which has been denied by the Council shall be resubmitted in either substantially the same premises or the same purposes within a period of one (1) year from the date of such final action, unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.

CHAPTER 21

SUPPLEMENTAL BULK REGULATIONS

- 21.1 SUPPLEMENTAL WIDTH REGULATIONS.** No part of an area or width required for a lot for the purpose of complying with the provisions of this Ordinance shall be included as an area or width required for another lot.
- 21.2 SUPPLEMENTAL YARD REGULATIONS.**
- 21.21** The side yard setback along the street of a normal corner lot (not reverse corner lot) shall be not less than two thirds (2/3) the front yard setback requirement for the zone district in which the lot is located.
 - 21.22** The front yard along the street side of a reverse corner lot shall be not less than the front yard requirement for the zone district in which the lot is located.
 - 21.23** No part of a yard required for a building complying with the provisions of this ordinance shall be included as a yard for another building.

CHAPTER 22

FEES

- 22.1 FEE SCHEDULE.** The Council by Resolution shall establish, and may from time to time amend, a Schedule of Fees to be paid by each applicant for processing the various applications set forth in this ordinance, including, without limitation, Conditional Use Permit Application Fee, Variance Application Fee, Zoning Ordinance Text Amendment Application Fee, Zoning Map Amendment (Rezone) Application Fee, Comprehensive Plan Amendment Application Fee, Sign Permit Fee and Appeal Fees. Said fees shall be in amounts reasonably calculated to reflect the cost of administering and regulating this ordinance and the review and processing of said applications and appeals.

CHAPTER 23

ZONING MAPS

- 23.1 OFFICIAL ZONING MAPS.** The boundaries of the zoning districts described in Section 4.2 of this ordinance are hereby established as shown on the official zoning map of Carey, Idaho. This official zoning map is located in the City Clerk's Office in the City of Carey, Idaho, and are hereby adopted by reference thereto. A copy of said map is attached hereto as Exhibit A.
- 23.2 COPIES.** A copy of the official zoning map of the City is attached hereto as Exhibit "A", and incorporated herein by referenced.

CHAPTER 24

PENALTIES AND ENFORCEMENT

- 24.1 PENALTIES AND ENFORCEMENT.** The provisions of this ordinance shall be enforced in the following manner:
- 24.11** A violation of this ordinance shall be an infraction or misdemeanor. 1st violation is an infraction with one hundred-dollar (100.00) fine, 2nd violation is an infraction with three hundred-dollar (300.00) fine and 3rd violation is a misdemeanor with one thousand-dollar (1000.00) fine, or imprisonment in Blaine County Jail for a period not to exceed thirty (30) days or both. Each day that such a violation continues shall constitute a separate criminal offense. Each landowner, tenant, subdivider, builder or other person who commits, participates in, assists in or maintains such violation is guilty of such a violation.
- 24.12** In addition to the criminal sanctions, whenever it appears that any person has engaged or is about to engage in any act or practice violating any provision of this ordinance, the City may institute a civil action in the District Court to enforce compliance with the ordinance.
- 24.13** Nothing herein shall be construed as preventing any private citizen from pursuing any available civil remedy for the prevention of any activity which constitutes a violation of this ordinance.
- 24.2 SAVINGS CLAUSE.** Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- 24.3 REPEAL OF CONFLICTING ORDINANCES.** City of Carey Zoning Ordinance 97-03 is hereby repealed.
- 24.4 EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its passage and publication according to law.

PASSED by the City Council and approved by the Mayor of the City of Carey, Idaho on this
____day of _____, 2019.

s/ _____

Randy Patterson, Mayor

ATTEST:

s/ _____

Tess Cenarrusa, City Clerk